

## Chapter 17.76

### S-2 CIVIC CENTER ZONE REGULATIONS

#### 17.76.040 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Residential-Building Facility, Mixed-Use-Development, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104. (Ord. 11904 § 5.60 (part), 1996: prior planning code § 6152.1)

#### 17.76.060 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

A. Residential Activities:

- Residential Care, except when occupying a One-Family Dwelling Residential Facility
- Service-Enriched Permanent Housing
- Transitional Housing
- Emergency Shelter

B. Civic Activities:

- Health Care
- Utility and Vehicular
- Extensive Impact

C. Commercial Activities:

- General Food Sales
  - Full Service Restaurant
  - Limited Service Restaurant and Café
  - Fast-Food Restaurant
- Convenience Market
- ~~Fast-Food-Restaurant~~
- Alcoholic Beverage Sales
- General Retail Sales
- Consumer Service
- Consumer Cleaning and Repair Service
- Consumer Dry Cleaning Plant
- Group Assembly
- Personal Instruction and Improvement and Small Scale Entertainment
- Business, Communication, and Media Service
- Broadcasting and Recording Service
- Research Service
- Transient Habitation
- Automobile and Other Light Vehicle Gas Station and Servicing
- Automotive Fee Parking

D. Off-street parking serving activities other than those listed above or in Section 17.76.050, subject to the conditions set forth in Section 17.102.100.

E. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110. (Ord. 12138 § 5 (part), 1999; prior planning code § 6154)

**17.76.110 Use permit criteria for Commercial Activities.**

A conditional use permit for any conditionally permitted Commercial Activity may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

- A. That the proposed activity is intended primarily to serve the civic center area in which it is located or the employees and patrons of the center;
- B. That the proposed activity will not attract vehicular traffic which will create or aggravate traffic congestion or interfere with the movement of traffic generated by permitted activities;
- C. That the proposed activity is accommodated or served by facilities of such size, design, and location as will tend to keep the activity subordinate in impact and function to permitted activities within the civic center area.

See also Section 17.102.210. (Prior planning code § 6161)

**17.76.140 Maximum residential density.**

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

A. Permitted Density. One regular dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. One efficiency dwelling unit is permitted for each two hundred (200) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet. One rooming unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.

B. Conditionally Permitted Density. The number of living units permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;

2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing. Residential uses shall be subject to the same maximum density and other related regulations as are set forth in Section 17.30.140 for the R-80 zone. (Prior planning code § 6165)

**17.76.150 Maximum floor-area ratio.**

The maximum floor-area ratio of any facility shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor-area ratio on lots containing both Residential and Nonresidential Facilities:

A. Permitted Floor-Area Ratio. The maximum permitted floor-area ratio is 3.50, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.

B. Conditionally Permitted Floor-Area Ratio. The floor-area ratio permitted by subsection A of this section may be increased by not to exceed fifty (50)-percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;

2. For any facility, upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050. (Prior planning code § 6167)

#### 17.76.170 Minimum yards and courts.

The following minimum yards and courts shall be provided unobstructed except for the structures or the other facilities allowed therein by Section 17.108.130:

A. Front Yard. The minimum front yard depth on every lot shall be ten (10) feet.

B. Side Yard--Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be ten (10) feet.

C. Side Yard--Interior lot line. No side yard is generally required along an interior side lot line except as follows:

1. A side yard shall be provided, when and as prescribed in Section 17.108.080, for Residential Facilities.

2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.

D. Rear Yard. The minimum rear yard depth on every lot shall be ten (10) feet, except as a lesser depth is allowed by Section 17.108.110.

E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120. (Prior planning code § 6170)

#### 17.76.180 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per regular dwelling unit plus one hundred (100) square feet per efficiency dwelling unit plus seventy-five (75) square feet per rooming unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126. Usable open space shall be provided for Residential Facilities in accordance with the same requirements as are set forth in Section 17.30.180 for the R-80 zone. (Prior planning code § 6171)

## **Chapter 17.78**

### **S-3 RESEARCH CENTER ZONE REGULATIONS**

**17.78.090**      **Limitations on Signs.**

All Signs shall be subject to the applicable limitations set forth in Section ~~Chapter~~ 17.104.030  
(Prior planning code § 6213)

**17.78.100**      **Minimum lot area, width, and frontage.**

Every lot shall have a minimum lot area of two (2) acres and a minimum lot width of one hundred (100) feet. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020. (Prior planning code § 6214)

## Chapter 17.82

### S-6 MOBILE HOME COMBINING ZONE REGULATIONS

#### 17.82.020 Zones with which the S-6 zone may be combined.

The S-6 zone may be combined only with a residential or commercial zone, ~~other than the C-20 and C-60 zones. (Prior planning code § 6354)~~

#### 17.82.040 Mobile Home park standards.

A. Minimum Size. Mobile Home Residential Facilities shall not be located on any lot having a lot area of less than forty-five thousand (45,000) square feet.

B. Maximum Density. The maximum density in a Mobile Home park shall be one Mobile Home for each three thousand three hundred (3,300) square feet of lot area in such activity; park.

C. Minimum Usable Open Space. Group usable open space shall be provided in the minimum amount of three hundred (300) square feet per Mobile Home. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.14.050(A)-126.020, except that actual group space shall be provided in the minimum amount of one hundred fifty (150) square feet per Mobile Home. All required space shall conform to the standards for required usable open space in Chapter 17.126.

D. Landscaping. All areas in a Mobile Home park which are not devoted to Mobile Home pads, walkways, driveways, parking or loading areas, patios, usable open space, or recreation or service facilities shall be developed with lawn, ground cover, garden, shrubs, or trees, subject to the standards for required landscaping and screening in Chapter 17.124. Dense landscaping not less than five and one-half feet high and not less than three feet wide shall be provided along all lot lines, exclusive of necessary walkways and driveways, subject to the standards for required landscaping and screening and the exceptions stated therein.

E. Walkways. Walkways shall provide direct access between abutting streets and all individual Mobile Home sites. (Prior planning code § 6358)

## **Chapter 17.84**

### **S-7 PRESERVATION COMBINING ZONE REGULATIONS**

#### **17.84.030 - Required design review process.**

A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Building Facility, ~~Mixed-Use Development~~, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Sections 17.84.040, 17.84.050, and 17.84.060; the Telecommunications regulations in Chapter 17.128; or the Sign regulations in Chapter 17.104.

B. Section 17.136.075 contains design review criteria for the demolition or removal of Designated Historic Properties and Potentially Designated Historic Properties.

## **Chapter 17.86**

### **~~S 8 URBAN STREET COMBINING ZONE REGULATIONS~~**

**Sections:**

- ~~17.86.010~~ — Title, purposes, and applicability.
- ~~17.86.020~~ — Zones with which the S-8 zone may be combined.
- ~~17.86.030~~ — Duplicated regulation.
- ~~17.86.040~~ — Required design review process.
- ~~17.86.050~~ — Permitted activities in front twenty feet of ground floor.
- ~~17.86.060~~ — Conditionally permitted activities in front twenty feet of ground floor.
- ~~17.86.070~~ — Restrictions on parking and loading at ground level.
- ~~17.86.080~~ — Prohibition of advertising signs.
- ~~17.86.090~~ — Use permit criteria.
- ~~17.86.100~~ — Design review criteria.

~~17.86.010~~ — Title, purposes, and applicability.

~~— The provisions of this chapter shall be known as the S-8 urban street combining zone regulations. The S-8 zone is intended to create, preserve, and enhance compact, attractive, and clearly defined street and plaza spaces and to assure ground level continuity of retail and consumer service uses along key shopping frontages, and is typically appropriate to major pedestrian shopping streets in the central district. These regulations shall apply in the S-8 zone, and are supplementary to the regulations applying in the zones with which the S-8 zone is combined. (Prior planning code § 6450)~~

~~17.86.020~~ — Zones with which the S-8 zone may be combined.

~~— The S-8 zone may be combined with any commercial zone. (Prior planning code § 6454)~~

~~17.86.030~~ — Duplicated regulation.

~~— Whenever any provision of the S-8 combining zoning regulations imposes overlapping or contradictory regulations with those contained in the applicable base zone, or contains restrictions covering any of the same subject matter, the provision within the S-8 combining zone shall control, except as otherwise expressly provided in the zoning regulations.~~

~~17.86.040~~ — Required design review process.

~~— Except for projects that are exempt from design review as set forth in Section 17.436.025, no Designated Historic Property, Potentially Designated Historic Property, Building Facility (see code section 17.09.040 for definition), Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Section 17.86.110, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.~~

~~(Ord. 12606 Att. A (part), 2004; prior planning code § 6452)~~

~~17.86.050~~ — Permitted activities in front twenty feet of ground floor.

~~— Only the following activities shall be located on the ground floor of any building within the first twenty (20) feet thereof facing the abutting street or streets, except as otherwise provided in Sections 17.86.050 and 17.86.080 and except that pedestrian entrances to activities elsewhere in the building may occupy not more than one-third of the face of the building as measured parallel to the street line or lines:~~

~~— A. — Civic Activities:~~

- ~~Essential Service~~
  - ~~B. Commercial Activities:~~
    - ~~General Food Sales~~
    - ~~Full Service Restaurant~~
    - ~~Limited Service Restaurant and Café~~
  - ~~Medical Service~~
  - ~~General Retail Sales~~
  - ~~Consumer Service~~
  - ~~Consultative and Financial Service~~
  - ~~Consumer Cleaning and Repair Service~~
  - ~~Consumer Dry Cleaning Plant~~
  - ~~Business, Communication, and Media Service~~
  - ~~Broadcasting and Recording Service~~
- ~~(Prior planning code § 6453)~~

~~17.86.060 Conditionally permitted activities in front twenty feet of ground floor.~~

~~Where otherwise allowed by the zones with which the S-8 zone is combined, the following activities may be located on the ground floor of a building within the first twenty (20) foot thereof facing the abutting street or streets upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

- ~~A. Civic Activities:~~
    - ~~Community Assembly~~
    - ~~Recreational Assembly~~
    - ~~Nonassembly Cultural~~
    - ~~Administrative~~
    - ~~Utility and Vehicular~~
    - ~~Extensive Impact~~
  - ~~B. Commercial Activities:~~
    - ~~Convenience Market~~
    - ~~Fast Food Restaurant~~
    - ~~Alcoholic Beverage Sales~~
    - ~~Mechanical or Electronic Games, subject to the provisions of Section 47.102.210G~~
    - ~~Group Assembly~~
    - ~~Personal Instruction and Improvement and Small Scale Entertainment~~
    - ~~Administrative~~
    - ~~Research Service~~
    - ~~General Wholesale Sales~~
    - ~~Transient Habitation~~
    - ~~Automotive Fee Parking, subject to the provisions of Section 17.86.080.~~
- ~~(Prior planning code § 6454)~~

~~17.86.070 Restrictions on parking and loading at ground level.~~

~~A. Parking Areas. No off street parking area shall be located on the ground level of any lot, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~B. Driveways and Loading Areas. No driveway or off street loading area shall be located on the principal street, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure. (Prior planning code § 6457)~~

~~17.86.080 Prohibitions on advertising signs~~

~~No Advertising Sign shall be located in the S-8 zone. (Prior planning code § 6458)~~



~~17.86.090 Use permit criteria.~~

~~— A conditional use permit for any use under Sections 17.86.050, 17.86.070, or 17.86.080 may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:~~

- ~~— A. — That the proposal will not detract from the compact, urban character of the area;~~
- ~~— B. — That the proposal will not impair a generally continuous wall of building facades;~~
- ~~— C. — That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not break up an important shopping frontage;~~
- ~~— D. — That the proposal will not interfere with the movement of people along an important pedestrian street if alternative access is available;~~
- ~~— E. — That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council. (Prior planning code § 6461)~~

~~17.86.100 Design review criteria.~~

~~— In the S-8 zone, proposals requiring regular design review approval pursuant to Section 17.86.030 may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:~~

- ~~— A. — That the proposal will be of a quality and character appropriate to a highly urban commercial center;~~
- ~~— B. — That the design of ground level facilities will preserve, and where possible enhance, the basic continuity of key shopping frontages;~~
- ~~— C. — That the building facade and other walls will be considered and treated as a whole, and in relationship to adjoining buildings;~~
- ~~— D. — That all Signs will be harmonious with the architectural design of the building and adjacent buildings, and will not cover or detract from the building's significant architectural features.~~  
~~(Prior planning code § 6462)~~

## Chapter 17.88

### ~~S-9 RETAIL FRONTAGE COMBINING ZONE REGULATIONS~~

~~Sections:~~

~~Sections:~~

~~17.88.010~~ — Title, purposes, and applicability.

~~17.88.020~~ — Zones with which the S-9 zone may be combined.

~~17.88.030~~ — Conditional use permit requirement for General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, and Consultative and Financial Activities on ground floor.

~~17.88.040~~ — Use permit criteria.

~~21.88.10~~ — Title, purposes, and applicability.

~~— The provisions of this chapter shall be known as the S-9 retail frontage combining zone regulations. The S-9 zone is intended to create, preserve, and enhance compact, attractive, and clearly defined street frontage, to assure continuity of retail and consumer service uses at ground level along principal shopping streets, and to encourage retail establishments serving both short and long term needs to locate in compact locations oriented toward pedestrian comparison shopping, and is typically appropriate to district shopping areas and along important shopping streets. These regulations shall apply in the S-9 zone, and are supplementary to the regulations applying in the zones with which the S-9 zone is combined. (Prior planning code § 6500)~~

~~17.88.020~~ — Zones with which the S-9 zone may be combined.

~~— The S-9 zone may be combined with any other zone. (Prior planning code § 6501)~~

~~17.88.030~~ — Conditional use permit requirement for General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, and Consultative and Financial Activities on ground floor.

~~— General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, and Consultative and Financial Service Commercial Activities shall not be located on the ground floor of any building, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and the provisions of Section 17.88.040, and except that incidental entranceways which lead to such an activity on a different floor are permitted. (Prior planning code § 6501)~~

~~17.88.040~~ — Use permit criteria.

~~— In the S-9 zone, a conditional use permit for any use under Section 17.88.030 may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:~~

~~— A. That the proposal will not detract from the compact, integrated character of the area;~~

~~— B. That the proposal will not impair a generally continuous wall of building facades;~~

~~— C. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not break up an important shopping frontage;~~

~~— D. That the proposal will not interfere with the movement of people along an important pedestrian walkway;~~

~~— E. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council~~

~~(Prior planning code § 6511)~~

## Chapter 17.90

### S-10 SCENIC ROUTE COMBINING ZONE REGULATIONS

#### 17.90.060 Restriction on subdivisions in the Shepherd Canyon Corridor.

Within the area shown as “R-20 RH-3, S-10” on Map 4 of the Shepherd Canyon Corridor Plan adopted by the City Council, no land shall be subdivided into two or more lots, and no lot line shall be moved more than five feet, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination:

- A. That the proposal is consistent in all significant respects with the Shepherd Canyon Corridor Plan; and
- B. That every reasonable effort has been made to locate the building sites so as to maximize the conservation of open space which is valuable for visual, recreational, ecological, drainage, or safety purposes.

The above requirement is in addition to all applicable substantive and procedural regulations of the Oakland Municipal Code with respect to subdivisions and parcel maps. However, a conditional use permit is not required in cases where a planned unit development permit authorizing the proposal has been granted pursuant to the planned unit development procedure in Chapter 17.140.

(Prior planning code § 6564)

#### 17.90.070 Restriction of height on downslope lots.

The following height restriction shall apply to each lot which abuts Grizzly Peak Boulevard, Skyline Boulevard, or Tunnel Road and which has an average elevation of finished grade less than the average elevation of the nearest edge of the paved roadway of such boulevard or road. Except for the projections allowed by Section 17.108.030, no building or other facility or portion thereof shall extend above any line beginning three (3) feet above any point on the nearest edge of the aforesaid roadway and extending outward at right angles to said edge and downward over the lot at an angle of six (6) degrees to the horizontal.

(Prior planning code § 6569)

#### 17.90.080 Conditional use permit for waiver of certain requirements in the Shepherd Canyon Corridor.

The following provisions shall apply within the area shown as “R-20 RH-3, S-10” on Map 4 of the Shepherd Canyon Corridor Plan adopted by the City Council:

A. Basic Provisions. Subject to the provisions of subsection B of this section, the maximum height and the minimum yard and lot area, width, and frontage requirements otherwise applying to individual lots may be waived or modified within a subdivision or development, and parking may be located within the subdivision or development without reference to lot lines, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination:

1. That the waiver or modification will promote an improved arrangement of structures and circulation which will preserve and enhance open space, for visual, recreational, ecological, drainage, or safety purposes, more effectively than what the standard requirements would allow; and
2. That there is adequate provision for maintenance of the open space and other facilities within the subdivision or development.

B. Minimum Size Under This Procedure. A conditional use permit pursuant to subsection A of this section may be granted only if the total land area of the subdivision or development is less than four acres.

(Prior planning code § 6573)

## Chapter 17.92

### S-11 SITE DEVELOPMENT AND DESIGN REVIEW COMBINING ZONE REGULATIONS

#### 17.92.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, no ~~Designated Historic Property, Potentially Designated Historic Property, Local Register Property,~~ Building Facility, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Section 17.92.050, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

(Ord. 12501 § 64, 2003: prior planning code § 6602)

#### 17.92.050 Design review criteria.

~~In the S-11 zone, proposals requiring regular design review approval pursuant to Section 17.92.030 may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to the following additional criteria:~~

~~Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Section 17.92.050, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.~~

A. That the siting, clearing, landscaping, and other relevant features of the proposal will conform in all significant respects with the Vegetation Management Prescriptions of the North Oakland Hill Area Specific Plan;

B. That the proposal will conform in all significant respects with the Site Development Map of the North Oakland Hill Area Specific Plan with respect to the protection of view corridors and vegetation masses;

C. That, after due consideration has been given to other criteria, any proposed vehicular access will be provided at the safest point of entry from the appropriate street;

D. That the proposal will duly take into account any special geotechnical or similar constraint affecting the property;

E. That the proposal will involve the minimum possible amount of grading, consistent with the attainment of other criteria set forth in this section, and that an acceptable grading and/or erosion and sedimentation control plan, where required, has been or will be submitted;

F. That, in conjunction with criterion E of this section, retaining walls of excessive height and/or length will be avoided. Projects involving retaining walls over eight (8) feet in height and/or grading or removal of material in excess of five hundred (500) cubic yards shall be referred to the Director of City Planning for regular design review pursuant to Chapter 17.136;

G. That fire hydrants will be provided consistent with the City of Oakland Fire Prevention Bureau's requirements;

H. That, where feasible, solar orientation and energy conservation techniques will be suitably incorporated in the overall design;

I. That if the proposal involves developing dwelling units on a property for which the Site Development Map of the North Oakland Hill Area Specific Plan depicts siting of those facilities, the provisions of Section 17.92.040 will be met;

J. That if the proposal involves creating driveway access to Grizzly Peak Boulevard, Skyline Boulevard, Tunnel Road, or Shepherd Canyon Road, it will meet the same criteria as are specified in subsections A and B of Section 17.90.040. (Prior planning code § 6612)

**17.92.060 Limitations on residential density.**

A. Overall Density. The maximum overall number of dwelling units within any development shall be whichever of the following is applicable and lowest:

1. The number of dwelling units implied by the applicable basic zone's minimum lot area requirement, and defined in the same manner as prescribed in subsection A of Section 17.1422.110 and the first three sentences of subsection B of Section 17.1422.110.

2. In the case of those properties for which the Site Development Map of the North Oakland Hill Area Specific Plan depicts siting of dwelling units, the number of dwelling units indicated by that map.

3. In the case of those properties where dwelling units are not shown on the Site Development Map of the North Oakland Hill Area Specific Plan, the lowest number of dwelling units derived from:

a. Dividing the street frontage of the property by the minimum lot width requirement in the respective residential zone; and

b. Counting the number of legally platted lots within the proposed development area; and

c. Analyzing the project under the regular design review process to affirm or lower the maximum theoretical density pursuant to Sections 17.92.030 and 17.92.050.

One through three above shall not be deemed to preclude such additional secondary units in the S-11 zone as may be approved in accordance with the standards, criteria and conditions in Section 17.102.360.

B. Number of Units Per Unsubdivided Lot. An unsubdivided lot may not have more dwelling units when subdivided than are permitted per lot by the applicable basic zone. (Ord. 12199 § 6, 2000; prior planning code § 6615)

**17.92.070 Waiver of certain requirements through regular design review.**

A. Reduction of Yard Requirements. Upon approval pursuant to Sections 17.92.030 and 17.92.050 the side yard may be varied within the following limits:

The side of a dwelling unit may be as close as six (6) feet to the side of an adjoining dwelling unit provided that its opposite side is separated from the side of other adjoining dwelling units by at least two times the side yard normally required for a dwelling unit within that zone. (Prior planning code § 6623)

## Chapter 17.94

### S-12 RESIDENTIAL PARKING COMBINING ZONE REGULATIONS

Sections:

17.94.010	Title, purpose, and applicability.
17.94.020	Zones with which the S-12 zone may be combined.
17.94.030	Activities to which S-12 zone regulations apply.
17.94.040	Off-street parking regulations--Residential Activities.
17.94.050	Standards for required parking facilities.
17.94.060	Parking spaces.
17.94.070	Maneuvering aisles.
17.94.080	Driveways.
17.94.090	Other dimensional requirements.
17.94.100	On-street parking regulations.
17.94.110	Alternate parking layouts.
17.94.120	Review and approval by City Traffic Engineer.
17.94.130	<u>Exceptions, vVariances</u> , and appeals.

#### 17.94.060 Parking spaces.

The requirements of this section shall apply only to Residential Activities located in the S-12 zone and occupying any One-Family Dwelling, One-Family Dwelling with Secondary Unit, Two-Family Dwelling, or Multifamily Dwelling Residential Facility, and supersede the parking space dimensions set forth in Section 17.116.200 and the tandem space requirements set forth in Section 17.116.240.

A. Types of Parking Spaces and Dimensions. Four types of parking spaces are defined for required parking in the S-12 zone: regular, intermediate, compact, and handicapped. Such spaces shall have the minimum dimensions set forth below, measured in feet.

Type of Parking Space	All Parking Except Parallel Length	All Parking Except Parallel Width	Parallel Parking Length	Parallel Parking Width
Regular	18	8 1/2	22	8
Intermediate	16 1/2	8	20 1/2	7 1/2
Compact	15	7 1/2	19	7
Handicapped	*	*	*	*

\* As set forth in the California State Accessibility Standards contained in Parts 2, 3, and 5 of Title 24 of the California Administrative Code.

B. Mixture of Parking Space Types. Up to fifty ~~(50)~~-percent (50%) of the required parking spaces may be compact spaces, provided that at least fifty ~~(50)~~-percent (50%) of the required spaces are regular and/or handicapped spaces. Alternatively, when five (5) or more parking spaces are required, up to seventy-five ~~(75)~~-percent (75%) of the required spaces may be intermediate spaces, provided that if any required spaces are compact spaces, an equal or greater number of the required spaces shall be regular and/or handicapped spaces. The requirements of this subsection shall apply separately to the parking spaces required by Section 17.94.040A and to the parking spaces required by Section 17.94.040B.

C. Location of Parking Spaces. On any lot located in the S-12 zone and containing a One-Family Dwelling, One-Family Dwelling with Secondary Unit, Two-Family Dwelling, or Multifamily Dwelling

Residential Facility, no parking spaces shall be located between the front lot line and the front wall of the facility or its projection across the lot, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that:

1. The parking spaces are required by Section 17.94.040; and
2. There is no other feasible way to provide the required parking; and
3. The applicable requirements of the buffering regulations in Chapter 17.110 are met; and
4. If the facility contains three or more dwelling units, criteria 11 through 16 of the design review

criteria for high density housing, pertaining to pedestrian entries, auto entries, landscaping, and accessories, are fully satisfied.

D. Tandem Spaces. Parking spaces required by Section 17.94.040A may be tandem spaces provided that:

1. At least one independent parking space shall be permanently assigned to each dwelling unit in the facility; and
2. For each pair of tandem spaces, both the independent space and the dependent space shall be permanently assigned to the same dwelling unit; and
3. At least one space in each pair shall be a regular parking space.

(Ord. 12501 § 68, 2003: prior planning code § 6661)

#### 17.94.080 Driveways.

The requirements of this section shall apply to all activities located in the S-12 zone, and supersede the minimum driveway width set forth in Section 17.116.210 of the zoning regulations and the requirements for driveway openings set forth in subsections A and B of Section 12.04.270 of the Oakland Municipal Code.

A. Requirement for One-Lane Driveway. Except as provided in subsections B and C of this section, any driveway located in the S-12 zone shall be a one-lane driveway.

B. Requirement for Two-Lane Driveway. A driveway that provides both ingress from and egress to a minimum number of required off-street parking spaces shall be a two-lane driveway, such minimum number of spaces depending upon the classification of the street to which the driveway provides access, as indicated in the Circulation Element of the Oakland Comprehensive Plan. The minimum number of spaces served requiring a two-lane driveway shall be as set forth below.

1. On arterial streets: ten (10) spaces;
2. On collector streets: fifteen (15) spaces;
3. On all other streets: twenty (20) spaces.

C. Requirement for Wider Driveway et Discretion of City Traffic Engineer. At his or her discretion, pursuant to Section 17.94.120, the City Traffic Engineer may require a two-lane driveway for off-street parking facilities which would ordinarily require a one-lane driveway; and may require a wider driveway and driveway opening for a nonresidential facility located in the S-12 zone if such driveway and driveway opening serve vehicular activities other than, or in addition to, the parking of automobiles. The width of such nonresidential driveway and driveway opening shall not exceed thirty-five (35) feet, as specified in Section 17.09.270A of the Oakland Municipal Code.

D. Number of Driveways and Driveway Openings. All activities located in the S-12 zone shall be limited to a single driveway, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that:

1. One or more of the driveways providing ingress to and egress from the required parking spaces would be one-way; or
2. The activity occupies a facility which contains two or more separate parking areas between which direct vehicular travel is not possible; or
3. The number of parking spaces served is greater than or equal to twice the minimum number of spaces for which a two-lane driveway is required by subsection B of this section, in which case one two-lane driveway may be provided for each multiple of such minimum number; or

4. The City Traffic Engineer determines that more than one driveway is necessary to ensure the safe and efficient operation of the activity.

E. Definition of One-Lane and Two-Lane Driveway. For purposes of this section, a one-lane driveway shall be not less than nine (9) feet wide and not more than ten (10) feet wide, and its associated driveway opening shall be ten (10) feet wide; a two-lane driveway and its associated driveway opening shall be not less than eighteen (18) feet wide and not more than nineteen (19) feet wide. (Prior planning code § 6663)

#### 17.94.090 Other dimensional requirements.

The requirements of this section shall apply only to Residential Activities located in the S-12 zone and occupying any One-Family Dwelling, Two-Family Dwelling, or Multifamily Dwelling Residential Facility.

A. Clear Space Next to a Wall or Other Obstruction. Where a regular, intermediate, or compact parking space is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle, and where such parking space abuts a wall or other similar obstruction which might interfere with pedestrian access to the space, a clear area shall be provided for the full length of the space on the same side as the wall or other obstruction; provided, however, that posts and other similar structural members may be located immediately adjacent to a required parking space when allowed by subsection B of this section. For regular and intermediate spaces, the width of the clear area shall be two feet, and for compact spaces, the width of the clear area shall be one and one-half feet. The requirements of this subsection supersede the requirement of Section 17.116.200A for additional width of a regular parking space which abuts a wall or other, similar obstruction.

B. Posts and Other Obstructions. Posts and other similar structural members may be located immediately adjacent to a required parking space, provided that:

1. Such required parking space is a regular space or, if the City Traffic Engineer determines that sufficient maneuvering area is present, an intermediate or compact space; and
2. Such post or other similar structural member is located at least three (3) feet but not more than five (5) feet from the maneuvering aisle or located not more than four (4) feet from the end of the parking space opposite the maneuvering aisle; and
3. Such post or other similar structural member does not impede pedestrian access to vehicle parking in the space; and
4. Such posts and other similar structural members shall be located on one side only of a required parking space.

C. Vertical Clearance. All parking spaces, maneuvering aisles, and driveways shall have a full vertical clearance of no less than six feet eight inches; provided, however, that the vertical clearance of no more than fifty (50)-percent (50%) of the required parking spaces may be reduced to no less than four (4) feet for a horizontal distance of no more than four (4) feet from the end of the space opposite the maneuvering aisle. Such reduced vertical clearance is not permitted for the independent parking space of any pair of tandem parking spaces. (Prior planning code § 6664)

#### 17.94.100 On-street parking regulations.

The requirements of this section shall apply to all activities located in the S-12 zone, and supersede the minimum driveway separations set forth in subsections C and D of Section 12.04.270 of the Oakland Municipal Code.

A. Requirement to Maximize On-Street Parking Spaces. The placement of driveway openings, fire hydrants, street trees, lampposts, signs, and any other potential obstacles to the usability of on-street parking shall be arranged so as to maximize the number of usable on-street parking spaces immediately in front of, and adjacent to, the lot containing the activity. Where the lot containing the activity has frontage on more than one street, the number of usable on-street parking spaces shall be maximized along all frontages. The method for calculating the number of required usable on-street parking spaces shall be as set forth in subsection B of this section.



B. Calculation Rules for Required On-Street Parking Spaces. The number of usable on-street parking spaces required by subsection A of this section shall be determined as set forth in steps 1 through 4 below. All measurements shall be in feet.

1. Measure the distance between the nearest parking obstructions on either side of the lot containing the activity.

2. Subtract the width of the driveway opening or openings provided pursuant to Section 17.94.080, plus one and one-half feet on either side of each driveway opening.

3. Subtract the width of any other parking obstructions immediately in front of the lot that presently exists or that would be constructed, located, or moved in conjunction with construction of the proposed driveway opening or openings.

4. Divide the number obtained in step 3 by twenty (20) feet.

The number thus obtained, disregarding any fractional part thereof, shall be the number of usable on-street parking spaces required by subsection A of this section.

C. Definition of Parking Obstructions. For purposes of this section, parking obstructions are any features, other than posted time limitations, which preclude or restrict the parallel on-street parking of an automobile, including, but not limited to, the following:

1. Any existing driveway opening plus one and one-half feet on either side;

2. Any existing or required fire hydrant plus five (5) feet on either side;

3. Any marked or unmarked crosswalk, plus a distance on either side to be determined by the City Traffic Engineer;

4. Any red, yellow, green, white, blue, or other colored curb established by the City Traffic Engineer;

5. Any area posted by the City Traffic Engineer for "No Parking Any Time";

6. Any posted bus stop, the length of which shall be determined by the City Traffic Engineer if the curb is not marked;

7. Any handicapped curb cut, plus a distance on either side to be determined by the City Traffic Engineer;

8. Any metered parking space established by the City Traffic Engineer;

9. Any parking space signed or marked by the City Traffic Engineer for angle parking;

10. At approximate right-angle intersections, the curb return plus the area between the curb return and a point the following distance from the intersection of the curb lines projected: twenty (20) feet on the near side of the intersection, or ten feet on the far side of the intersection, measured in the normal direction of vehicular travel. If no curb exists, the edge of the roadway where such curb return and the area specified above would be located;

11. Any section of curb or roadway edge located between any two parking obstructions as defined in subsections (C)(1) through (C)(10) of this section, that is currently, and that will remain, too short to be a usable on-street parking space as defined in subsection D of this section;

12. Any section of curb or roadway edge along which the City Traffic Engineer determines that it is unsafe to park an automobile.

D. Definition of Usable On-Street Parking Space. For purposes of this section, a usable on-street parking space is a section of unmarked curb or roadway edge twenty (20) feet in length which does not contain any of the parking obstructions defined in subsection C of this section.

E. Determination by City Traffic Engineer in Special Circumstances. Where the street frontage of the lot containing the activity is in a parking meter zone or an area signed or marked for angle parking, or where the special characteristics of the proposed activity would preclude maximizing the number of usable on-street parking spaces, or in other special circumstances where the rules of subsection B of this section cannot reasonably be applied, the number of required usable on-street parking spaces, and the required placement of driveway openings and other potential obstacles to usable on-street parking shall be determined by the City Traffic Engineer. (Prior planning code § 6665)

17.94.130 Exceptions, Variances, and appeals.

A. ~~Variances-Exccpfions~~ Within Street Right-of-Way. ~~Variances~~Exceptions -from the provisions of the S-12 zone regulations pertaining to required on-street parking, driveways, driveway openings, and any other features located within the street right-of-way shall be considered by the City Traffic Engineer. The decision of the City Traffic Engineer may be appealed to the Driveway Appeals Board. The decision of the Driveway Appeals Board may be appealed to the Planning Commission, whose decision shall be final, pursuant to the procedures set forth in Sections 12.04.300 and 12.04.310 of the Oakland Municipal Code.

B. ~~Variances~~ Outside Street Right-of-Way. ~~Variances~~ from the provisions of the S-12 zone pertaining to required off-street parking spaces, maneuvering aisles, driveways, and other features located outside the street right-of-way shall be considered pursuant to the variance procedure in Chapter 17.148 of the zoning regulations.

C. Appeal of Determination of City Traffic Engineer and/or Director of City Planning. In situations where the City Traffic Engineer and/or Director of City Planning makes a determination or imposes a requirement pursuant to the S-12 zone regulations, an appeal of such determination or requirement shall ~~constitute a request for a variance,~~ and shall be considered pursuant to subsection A and/or B of this section as appropriate. (Prior planning code § 6674)

## Chapter 17.96

### ~~S-13 MIXED-USE DEVELOPMENT COMBINING ZONE REGULATIONS~~

Sections:

- ~~17.96.010~~ — Title, purpose, and applicability.
- ~~17.96.020~~ — Zones with which the S-13 zone may be combined.
- ~~17.96.030~~ Required design review process.
- ~~17.96.040~~ — Conditionally permitted activities.
- ~~17.96.050~~ — Conditionally permitted facilities.
- ~~17.96.060~~ — Maximum residential density and related regulations.
- ~~17.96.070~~ — Use permit criteria.
- ~~17.96.080~~ — Design review criteria.
- ~~17.96.090~~ — Special regulations applying to mixed-use developments containing residential and nonresidential activities on sites with sixty thousand square feet or more land area, excluding joint living and work quarters.

~~17.96.010~~ — Title, purpose, and applicability.

~~— The provisions of this chapter shall be known as the S-13 mixed-use development combining zone regulations. The S-13 zone is intended to preserve and enhance areas containing residential, commercial and industrial activities in close proximity to one another, and to allow for residential developments, or for a compatible mixture of residential, commercial and/or light industrial developments in a planned and coordinated development plan, and is typically appropriate to industrially-zoned areas adjacent to residential zones. These regulations shall apply in the S-13 zone and are supplementary to the regulations applying in the zones with which the S-13 zone is combined. (Prior planning code § 6700)~~

~~17.96.020~~ — Zones with which the S-13 zone may be combined.

~~— The S-13 zone may be combined with any zone which does not permit or conditionally permit Residential Activities and which is adjacent to a residential zone. (Prior planning code § 6701)~~

~~17.96.030~~ — Required design review process.

~~— Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Section 17.96.080, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.101.~~  
~~— (Prior planning code § 6702)~~

~~17.96.040~~ — Conditionally permitted activities.

~~— The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~— A. — Residential Activities:~~

~~— Permanent~~

~~(Prior planning code § 6704)~~

~~17.96.050~~ ~~Conditionally permitted facilities.~~

~~— The following facilities, as described in the use classifications in Chapter 17.10 may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~— A. Residential Facilities:~~

~~— One Family Dwelling~~

~~One Family Dwelling with Secondary Unit, subject to the provisions specified in~~

~~Section 17.102.360~~

~~— Two Family Dwelling~~

~~— Multifamily Dwelling~~

~~(Prior planning code § 6706)~~

~~17.96.060~~ ~~Maximum residential density and related regulations.~~

~~— Residential uses in S-13 zones which abut the R-30, R-35, and R-40 residential zones shall be subject to the maximum residential density and other, related regulations as are set forth in the R-50 medium density residential zone. Residential uses in the S-13 zone which abut all other residential zones shall be subject to the maximum residential density and other, related regulations as are set forth in the residential zone that is next highest from the contiguous residential zone, except that in no case shall such density and other regulations exceed that prescribed in the R-70 zone. In cases where more than one contiguous residential zone exists, the maximum residential density and other related regulations for the S-13 zone shall be dictated by the residential zone having the greatest linear frontage abutting the S-13 zone. (Prior planning code § 6715)~~

~~17.96.070~~ ~~Use permit criteria.~~

~~— In the S-13 zone, a conditional use permit for any use under Section 17.96.040 or 17.96.050 may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:~~

~~— A. That the development will be well integrated into its setting, not be visually obtrusive, harmonize with surrounding areas and facilities, not substantially harm major views for surrounding residents, and, if abutting existing industrial facilities, provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices;~~

~~— B. That all parking areas, access, and vehicular traffic circulation patterns will be screened and designed in a manner that minimizes conflicts between pedestrians and vehicles; and that off-site vehicular circulation patterns will be designed to minimize congestion on surrounding local streets;~~

~~— C. That any proposal involving both nonresidential and residential uses on the same site will locate and conduct the nonresidential use in a manner that shall not adversely affect the abutting activities due to generation of noise, lights, glare, dust, vapors, smoke, odors, electrical disturbances, or other factors, and that the proposal incorporates all applicable performance standards in Chapter 17.120;~~

~~— D. That the proposal incorporates sound attenuation and similar protective measures that achieve a performance standard specified by local, state and federal regulations;~~

~~— E. That the location and design of proposed residential areas will be adequately buffered, visually and spatially, from existing transit corridors including rail lines, vehicular entry points, and parking areas through appropriate landscaping, screening, and other buffering devices;~~

~~— E. That future residents of the project will not be exposed to toxic and/or hazardous materials that exceed local, state and/or federal standards. (Prior planning code § 6716)~~

~~17.96.080~~ ~~Design review criteria.~~

~~— In the S-13 zone, proposals requiring regular design review approval pursuant to Section 17.96.030 may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:~~

~~— A. — That special architectural attention will be given to unfenestrated walls facing either street frontages or adjacent residential developments;~~

~~— B. — That extensive landscaping will be used to provide an appropriate setting for the proposed use, and to buffer and screen nearby sensitive uses from the visual impacts of the project;~~

~~— C. — That, where feasible, building setbacks will be provided to accommodate projections of architectural or decorative features;~~

~~— D. — That, particularly in developments involving more than one facility, a comprehensive, coordinated, controlled system of informational and directional graphic signage will be provided throughout the development;~~

~~— E. — That the design of the project will make every effort, where feasible, to preserve, for reuse, any facility or group of facilities which is a designated landmark. (Prior planning code § 6717)~~

~~17.96.090 — Special regulations applying to mixed-use developments containing residential and nonresidential activities on sites with sixty thousand square feet or more land area, excluding joint living and work quarters.~~

~~— Other than for joint living, and work quarters, all conditional use permit applications for mixed-use developments containing residential and nonresidential activities on a single tract with sixty thousand (60,000) square feet or more of land area shall be subject to the following special regulations:~~

~~— A. — Professional Design. The application shall, certify that talents of the following professionals will be utilized at some stage in the design process for the development:~~

~~— 1. — An architect licensed by the state of California; and~~

~~— 2. — A landscape architect licensed by the state of California, or an urban planner holding or capable of holding membership in the American Institute of Certified Planners.~~

~~— B. — Undergrounding of Utilities. All electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities shall be placed underground by the developer. Electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities. Street lighting and fire alarm facilities shall be installed in accordance with standard specifications of the Electrical Department.~~

~~— C. — Performance Bonds. The City Planning Commission or, on appeal, the City Council may, as a condition of approval of any said development, require a cash bond or surety bond for the completion of all or specified parts of the development deemed to be essential to the achievement of the purposes set forth in Section 17.96.010. The bond shall be in a form approved by the City Attorney, in a sum of one hundred fifty (150) percent of the estimated cost of the work, and conditioned upon the faithful performance of the work specified within the time specified. (Prior planning code § 6720)~~

## Chapter 17.97

### S-15 TRANSIT ORIENTED DEVELOPMENT ZONE REGULATIONS

Sections:

- 17.97.010 Title, purpose, and applicability.
- 17.97.020 Required design review process.
- 17.97.030 Special regulations applying to mixed-use developments on Bay Area Rapid Transit (BART) stations on sites with one acre or more land area.
- 17.97.040 Permitted activities.
- 17.97.050 Conditionally permitted activities.
- 17.97.060 Permitted facilities.
- 17.97.070 Conditionally permitted facilities.
- 17.97.080 Special regulations applying to certain Commercial and Manufacturing-Industrial Activities.
- 17.97.090 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
- 17.97.100 Use permit criteria.
- 17.97.110 Limitations on Signs, marquees, awnings.
- 17.97.120 Minimum lot area, width, and frontage.
- 17.97.130 Height, Bulk, and Intensity. ~~Maximum-residential-density.~~
- ~~17.97.140 Maximum-nonresidential-floor-area-ratio.~~
- ~~17.97.150 Maximum-height.~~
- 17.97.160 Minimum yards and courts.
- ~~17.97.170 Minimum-usable-open-space.~~
- 17.97.180 Buffering and landscaping.
- 17.97.190 Special regulations for mini-lot developments.
- 17.97.200 Special regulations for large scale developments.
- 17.97.210 Other zoning provisions.

**17.97.080 Special regulations applying to certain Commercial and Industrial Activities.**

A. ~~Fast-Food Restaurants, Convenience Markets, Fast-Food-Restaurants, and Certain Establishments Selling Alcoholic Beverages.~~ See Section 17.102.210.

B. Industrial Activities. All accessory industrial activities, as defined in Section 17.10.040F, shall be conducted entirely within an enclosed facility.

(Ord. 11892 § 4 (part), 1996: prior planning code § 6858)

**17.97.110 Limitations on Signs, marquees, awnings.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in ~~Chapter 17.104. Section 17.104.030.~~ (Ord. 12606 Att. A (part), 2004: Ord. 11892 § 4 (part), 1996: prior planning code § 6863)

**17.97.130 Height, Floor Area Ratio (FAR), Density, and Open Space.**

Table 17.97.01 below prescribes height, FAR, density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table.

Exhibit A: Code Amendments  
3/15/11 City Council

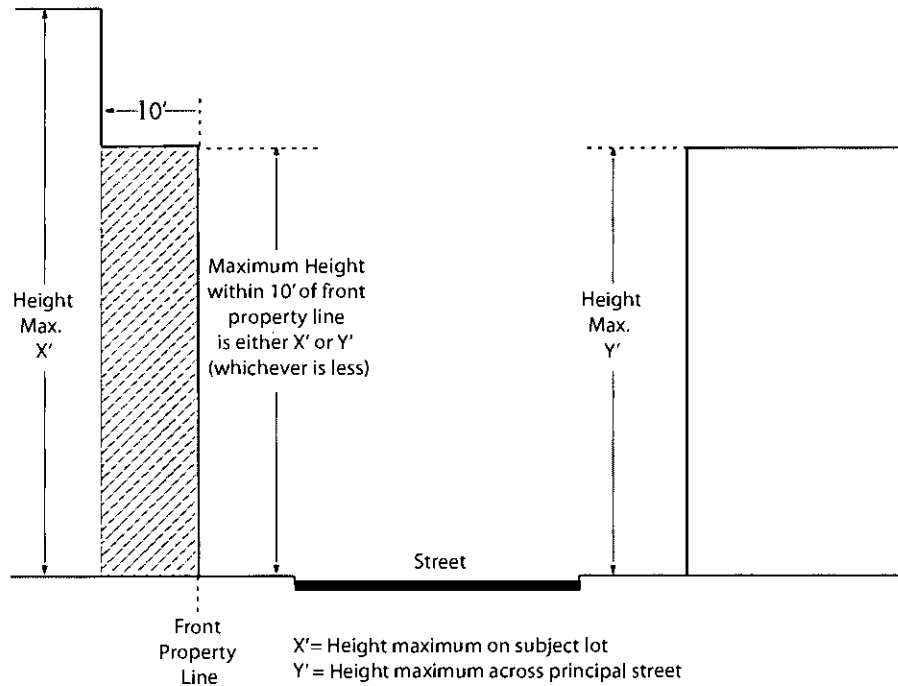
<b>Table 17.97.01 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations</b>								
<b>Regulation</b>	<b>Height Area</b>							<b>Additional Regulations</b>
	<b>35</b>	<b>45</b>	<b>60</b>	<b>75</b>	<b>90</b>	<b>120</b>	<b>160</b>	
<b>Maximum Height</b>	<u>35 ft</u>	<u>45 ft</u>	<u>60 ft</u>	<u>75 ft</u>	<u>90 ft</u>	<u>120 ft</u>	<u>160 ft</u>	<u>1, 2</u>
<b>Height Minimum</b>								
<b>Permitted height minimum</b>	<u>0 ft</u>	<u>0 ft</u>	<u>35 ft</u>	<u>35 ft</u>	<u>35 ft</u>	<u>35 ft</u>	<u>35 ft</u>	<u>3</u>
<b>Conditionally permitted height minimum</b>	<u>NA</u>	<u>NA</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>3</u>
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b>								
<b>Regular units</b>	<u>550</u>	<u>450</u>	<u>375</u>	<u>275</u>	<u>225</u>	<u>225</u>	<u>225</u>	<u>4, 5</u>
<b>Rooming units</b>	<u>275</u>	<u>225</u>	<u>185</u>	<u>135</u>	<u>110</u>	<u>225</u>	<u>225</u>	<u>4, 5</u>
<b>Maximum Nonresidential FAR</b>	<u>2.0</u>	<u>2.5</u>	<u>3.0</u>	<u>4.0</u>	<u>4.5</u>	<u>5.0</u>	<u>5.0</u>	<u>4, 5</u>
<b>Maximum number of stories (not including underground construction)</b>	<u>3</u>	<u>4</u>	<u>5</u>	<u>7</u>	<u>8</u>	<u>11</u>	<u>15</u>	
<b>Minimum Usable Open Space</b>								
<b>Group usable open space per regular unit</b>	<u>150</u>	<u>150</u>	<u>150</u>	<u>150</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>6</u>
<b>Group usable open space per regular unit when private open space substituted</b>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>6</u>
<b>Group usable open space per rooming unit</b>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>6</u>
<b>Group usable open space per rooming unit when private open space is substituted</b>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>6</u>

**Additional Regulations for Table 17.97.01:**

- The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.97.01 [Additional Regulation 1], below).

Illustration for Table 17.97.01[Additional Regulation 1]

*\*for illustration purposes only*

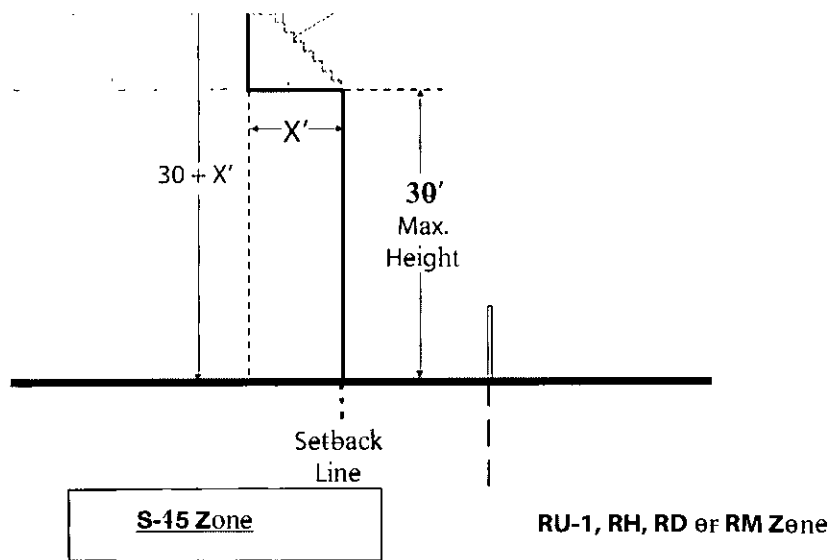


8. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, RM, or RU-1 zone; this maximum height shall increase one foot for every foot of distance away from this setback line(see Illustration for Table 17.35.04[Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration Table 17.35.04[Additional Regulation 2]

*\*for illustration purposes only*





9. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is 100 feet wide or more. Buildings in the CC-1 zone and buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing or Automobile and Other Light Vehicle Repair and Cleaning Commercial Activities may be exempted from the height minimum regulation by the Planning Director. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.

10. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.

11. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than 3,000 square feet.

12. Each square foot of private usable open space equals two square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

~~17.97.430 Maximum residential density.~~

~~— A. — Permitted Density. Residential uses shall be subject to the same maximum density, and other related regulations as set forth in Section 17.28.120 for the R-70 zone.~~

~~— B. — Conditionally Permitted Density. The number of living units permitted by subsection A of this section may be increased by up to twenty-five (25) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134 and subject to the criteria listed in Section 17.97.100. The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing. (Ord. 11892 § 4 (part), 1996; prior planning code § 6865)~~

~~17.97.440 Maximum nonresidential floor area ratio.~~

~~— The maximum nonresidential floor area ratio of any facility shall be as set forth below.~~

~~— A. — Permitted Floor Area Ratio. The maximum permitted floor area ratio shall be 4.0, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot.~~

~~— B. — Conditionally Permitted Floor Area Ratio. The floor area ratio permitted by subsection A of this section may be increased by up to one hundred fifty (150) percent upon the granting of a conditional use permit, pursuant to Section 17.97.100 and the provisions set forth in the conditional use permit~~

~~procedure in Chapter 17.134, and provided that it is a mixed-use development containing residential and commercial activities and as defined as a project including at least twenty-five (25) percent of the number of residential units that would be permitted if the project were solely residential. (Ord. 11892 § 4 (part), 1996; prior planning code § 6867)~~

~~17.97.150 Maximum height.~~

~~— Except as otherwise provided in Sections 17.108.020, 17.108.030 and Chapter 17.128, the maximum height of all buildings and other facilities shall be forty-five feet. This maximum height may be extended up to fifty-five (55) feet provided that the following criteria is met:~~

~~— A. — One foot of building setback is provided for each additional foot of building height above forty-five feet. The height of facilities, however, shall be further limited, in that any portion of a building located within ten feet of the rear property line shall not exceed a height of thirty (30) feet and, as applicable, by the provisions of Section 17.108.040A for lots lying along a boundary of a residential zone. (Ord. 11904 § 5.90, 1996; Ord. 11892 § 4 (part), 1996; prior planning code § 6869)~~

**17.97.160 Minimum yards and courts.**

No yards or courts are generally required except as indicated below. The following minimum yards and courts shall be provided unobstructed except for the accessory structures or other facilities allowed therein by Section 17.108.130:

A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a residential zone.

B. Side Yard--Street Side or Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner is in a residential zone.

C. Side Yard--Interior Lot Line.

1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.

2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.

D. Rear Yard.

1. A rear yard with a minimum depth of ten (10) feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.

2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.

E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120. (Ord. 11892 § 4 (part), 1996; prior planning code § 6870)

~~17.97.170 Minimum usable open space.~~

~~— Minimum usable open space.~~

~~— A. — Group Usable Open Space for Residential Facilities. On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per regular dwelling unit plus one hundred (100) square feet per efficiency dwelling unit. All required group usable open space shall conform with the standards set forth in Chapter 17.126, except that group usable open space may be located anywhere on the lot, and may be located entirely on the roof of any building on the site.~~

~~— B. — Private Usable Open Space for Residential Facilities. Private usable open space shall be provided in the minimum amount of thirty (30) square feet per regular dwelling unit and twenty (20) square feet per efficiency unit. All required space shall conform to the standards for required private usable open space in Section 17.126.040. All private usable open space may be substituted for group usable open space with a ratio prescribed in Section 17.126.020 except that actual group open space shall~~

Exhibit A: Code Amendments

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~~be provided in the minimum amount of seventy five (75) square feet per regular dwelling unit and fifty (50) square foot per efficiency unit. (Ord. 11892 § 4 (part), 1996; prior planning code § 6871)~~

## Chapter 17.98

### ~~S-16 — INDUSTRIAL RESIDENTIAL TRANSITION COMBINING ZONE REGULATIONS~~

Sections:

- ~~17.98.010 — Title, purpose, and applicability.~~
- ~~17.98.020 — Zones with which the S-16 may be combined.~~
- ~~17.98.030 — Required design review process.~~
- ~~17.98.040 — Permitted activities.~~
- ~~17.98.050 — Conditionally permitted activities.~~
- ~~17.98.060 — Prohibited activities.~~
- ~~17.98.070 — Conditionally permitted facilities.~~
- ~~17.98.080 — Maximum floor area ratio.~~
- ~~17.98.090 — Special regulations for activities and facilities.~~
- ~~17.98.100 — Applicable performance standards.~~
- ~~17.98.110 — Nonconforming uses.~~

~~17.98.010 — Title, purpose, and applicability.~~

~~— The provisions of this chapter shall be known as the S-16 Industrial Residential Transition Combining Zone regulations. The intent of the S-16 zone is to provide a compatible transition between residential and industrial zones by limiting the impacts of new nonresidential development, particularly trucking facilities and industrial development, on adjacent residential zones. It is also intended to promote compatible economic development and provide opportunities for new joint living and working quarters. These regulations shall apply in the S-16 zone and are supplementary to the regulations applying in the zones with which the S-16 zone is combined. Where the standards and regulations contained herein conflict with those of the underlying zoning regulations, then the standards and regulations contained herein shall apply. (Ord. 12289 § 3 (part), 2000)~~

~~17.98.020 — Zones with which the S-16 may be combined.~~

~~— The S-16 zone may be combined with any other zone whose General Plan land use classification is "Business Mix" or "General Industrial/Transportation" and abuts a residential zone, or with any industrial zone that abuts a residential zone. (Ord. 12289 § 3 (part), 2000)~~

~~17.98.030 — Required design review process.~~

~~— Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104. (Ord. 12289 § 3 (part), 2000)~~

~~17.98.040 — Permitted activities.~~

~~— The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~— A. — Civic Activities:~~

~~— Essential Service~~

~~— Limited Child Care~~

~~— Nonassembly Cultural (with less than ten thousand (10,000) square feet of gross~~

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- ~~\_\_\_\_\_ floor area)~~
  - ~~\_\_\_\_\_ Administrative (with less than ten thousand (10,000) square feet of gross floor area)~~
  - ~~\_\_\_\_\_ B. Commercial Activities:~~
    - ~~\_\_\_\_\_ General Retail Sales~~
    - ~~\_\_\_\_\_ Consumer Service~~
    - ~~\_\_\_\_\_ Consultative and Financial Service~~
    - ~~\_\_\_\_\_ Administrative~~
    - ~~\_\_\_\_\_ Business, Communication, and Media Service~~
    - ~~\_\_\_\_\_ Broadcasting and Recording Service~~
    - ~~\_\_\_\_\_ Research Service (with less than ten thousand (10,000) square feet of gross floor area)~~
  - ~~\_\_\_\_\_ G. Industrial Activities:~~
    - ~~\_\_\_\_\_ Custom Manufacturing (with less than ten thousand (10,000) square feet of gross floor area)~~
    - ~~\_\_\_\_\_ Light Manufacturing (with less than ten thousand (10,000) square feet of gross floor area)~~
- (Ord. 12289 § 3 (part), 2000)

~~17.98.050 Conditionally permitted activities:~~

~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and the special regulations in Section 17.98.090:~~

- ~~\_\_\_\_\_ A. Civic Activities:~~
  - ~~\_\_\_\_\_ Community Assembly~~
  - ~~\_\_\_\_\_ Recreational Assembly~~
  - ~~\_\_\_\_\_ Community Education~~
  - ~~\_\_\_\_\_ Nonassembly Cultural (with more than ten thousand (10,000) square feet of new gross floor area)~~
  - ~~\_\_\_\_\_ Administrative (with more than ten thousand (10,000) square feet of new gross floor area)~~
  - ~~\_\_\_\_\_ Utility and Vehicular~~
- ~~\_\_\_\_\_ B. Commercial Activities:~~
  - ~~\_\_\_\_\_ General Food Sales~~
    - ~~\_\_\_\_\_ Full-Service Restaurant~~
    - ~~\_\_\_\_\_ Limited-Service Restaurant and Café~~
  - ~~\_\_\_\_\_ Convenience Market (subject to provisions in Section 17.102.210A)~~
  - ~~\_\_\_\_\_ Mechanical or Electronic Games (subject to provisions in Section 17.102.210C)~~
  - ~~\_\_\_\_\_ Medical Service~~
  - ~~\_\_\_\_\_ Consumer Cleaning and Repair Service~~
  - ~~\_\_\_\_\_ Consumer Dry-Cleaning Plant~~
  - ~~\_\_\_\_\_ Group Assembly~~
  - ~~\_\_\_\_\_ Personal Instruction and Improvement and Small-Scale Entertainment~~
  - ~~\_\_\_\_\_ Research Service (with more than ten thousand (10,000) square feet of new gross floor area)~~
  - ~~\_\_\_\_\_ General Wholesale Sales (with less than fifty thousand (50,000) square feet of gross floor area)~~
  - ~~\_\_\_\_\_ Wholesale Professional Building Material Sales~~
  - ~~\_\_\_\_\_ Automotive Fuel Parking~~
  - ~~\_\_\_\_\_ Animal Care~~
  - ~~\_\_\_\_\_ Animal Boarding~~

~~— G. — Industrial Activities:~~

~~Custom Manufacturing (with more than ten thousand (10,000) square feet of new gross floor area)~~

~~Light Manufacturing (with more than ten thousand (10,000) square feet of new gross floor area)~~

~~— D. — Agricultural and Extractive Activities:~~

~~Plant Nursery~~

~~E. Accessory Activities:~~

~~Joint Living and Working Quarters (as defined in Section 17.10.040C and subject to the provisions in Section 17.102.190 and the special regulations in Section 17.98.090A.)~~

~~Open Storage~~

~~(Ord. 12289 § 3 (part), 2000)~~

~~17.98.060 Prohibited activities:~~

~~The following activities, as described in the use classifications in Chapter 17.10, are prohibited:~~

~~— A. — Commercial Activities:~~

~~Alcoholic Beverage Sales~~

~~Automotive and Other Light Vehicle Repair and Cleaning~~

~~Automobile and Other Light Vehicle Sales and Rental~~

~~Automobile and Other Light Vehicle Gas Station and Servicing~~

~~Fast Food Restaurant~~

~~— B. — Industrial Activities:~~

~~General Manufacturing~~

~~Warehousing, Storage, and Distribution~~

~~Industrial Transfer/Storage Hazardous Waste Management~~

~~— C. — Agricultural and Extractive Activities~~

~~Crop and Animal Raising~~

~~Mining and Quarrying~~

~~(Ord. 12289 § 3 (part), 2000)~~

~~17.98.070 Conditionally permitted facilities:~~

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and the special regulations in Section 17.98.090:~~

~~— A. — Nonresidential Facilities:~~

~~Open~~

~~— B. — Telecommunications Facilities:~~

~~Mini~~

~~Micro~~

~~Macro~~

~~Monopole~~

~~(Ord. 12289 § 3 (part), 2000)~~

~~17.98.080 Maximum floor area ratio:~~

~~A. — Maximum Floor Area Ratio Generally. The maximum floor area ratio of any facility shall be 4.0 unless a lesser floor area ratio is specified by the applicable General Plan land use classification. Any new construction or addition or alteration that results in a total F.A.R. of more than 2.0 on any portion of any lot within one hundred fifty (150) feet of a residential zone shall require a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~— B. — Maximum Floor Area Within One Hundred Fifty (150) Feet of a Residential Zone. The 2.0 floor area ratio shall only apply to the portions of all properties located in the first one hundred fifty (150) feet of the S-16 zone. The one hundred fifty (150) foot measurement is not measured from the zoning boundary but begins at the nearest property line within the S-16 zone that is adjacent to the residential zone. (Ord. 12289 § 3 (part), 2000)~~

~~17.98.090 Special regulations for activities and facilities.~~

~~— The following supplemental development standards shall apply to all new development and alterations and additions adding more than ten percent to existing floor area, unless otherwise indicated:~~

~~— A. — New Joint Living and Working Quarters. Construction of new joint living and work quarters, subject to the regulations in Section 17.102.190, is allowed subject to the following standards:~~

~~— 1. — Size of Units. The average unit size of all joint living and work quarters in a development project shall be a minimum of one thousand (1,000) square feet of floor area. No individual unit shall be less than eight hundred (800) square feet of floor area.~~

~~— 2. — Use of Space. Generally, as a guideline and not as a mandate, one third of the floor area should be used for living space.~~

~~— 3. — Minimum Usable Open Space. A minimum of seventy five (75) square feet of group usable open space shall be provided for each joint living and working quarters unit. All required group usable open space shall conform with the standards set forth in Section 17.126.030, except that group usable open space may be located anywhere on the lot, and may be located entirely on the roof of any building on the site.~~

~~— 4. — Required Parking. A minimum of one space shall be provided for each one thousand (1,000) square feet of floor area. This requirement preempts any conflicting requirement in Chapter 17.116.~~

~~— 5. — Buffering. The general buffering requirements of Section 17.110.020 shall apply to joint living and working quarters:~~

~~— B. — Upper story Stepback on Lots Abutting a Residential Zone or on a Block with Residential Activity. On any portion of any lot that:~~

~~— 1. — Abuts a residential zone, or~~

~~— 2. — Is directly across a street, alley, or path from a residential zone, or~~

~~— 3. — Abuts a legally established residential activity, or~~

~~— 4. — Is on a street where fifty (50) percent or more of the frontage on the street within three hundred (300) feet of the lot has legally established residential activities, no building or other facility shall, except for the projections allowed by Section 17.108.030, exceed thirty (30) feet in height unless each portion above that height is set back a minimum of one foot for each foot of additional height. This setback shall be measured from the inner line of the minimum yard required by subsection C below.~~

~~— C. — Minimum Yards on Lots Abutting a Residential Zone or on a Block with Residential Activity. On any portion of any lot that:~~

~~— 1. — Abuts a residential zone, or~~

~~— 2. — Is directly across a street, alley, or path from a residential zone, or~~

~~— 3. — Abuts a legally established residential activity, or~~

~~— 4. — Is on a street where fifty (50) percent or more of the frontage on the street within three hundred (300) feet of the lot has residential activities, a yard with a minimum depth or width, as the case may be, of ten feet shall be provided along the entire lot line that abuts or is across from said residential zone or residential activity. This yard shall be landscaped and unobstructed except for the accessory structures or other facilities allowed therein by Section 17.108.130. A solid masonry or lumber wall at least six feet high shall be provided along the entire length of any lot line not facing a street. Where the lot in question is twenty five (25) feet or less in width, a solid masonry wall at least six feet high may be provided in lieu of any side yard required by this section.~~

~~— D. — Landscaping:~~

~~— 1. — Front Yards. All front yards required by subsection C above shall be landscaped with trees and shrubs, except for driveways serving required parking or loading, and incidental pedestrian access.~~

~~2. Minimum Landscaping. For new construction or addition or alteration of more than ten percent of existing floor area, a minimum of ten percent of the site area must be landscaped.~~

~~3. Off-street Parking Facilities. Landscaping shall be provided for off-street parking facilities with more than ten spaces. A minimum of one tree for every six spaces shall be distributed evenly throughout the parking area. Parking rows shall be separated from driveways by a landscaped planter.~~

~~4. Required Irrigation. All planting areas shall be provided with an irrigation system that is permanent, below-grade, and activated by automatic timing controls.~~

~~E. Screening of Parking on a Lot. A concrete or masonry wall at least three-feet high shall be provided for parking areas located adjacent to a public right-of-way.~~

~~F. Minimum Usable Open Space for Nonresidential Activities. For nonresidential activities, a minimum of one square foot of usable group open space shall be provided for every one hundred (100) square foot of floor area with a minimum of one hundred (100) square feet of usable group open space provided on every lot subject to the applicable Usable Open Space Standards in Section 17.126.030.~~

~~G. Loading Berths. No loading berths shall be located within one hundred (100) feet of any residential zone except upon the granting of a conditional use permit pursuant to Section 17.102.080 and the conditional use permit procedure in Chapter 17.134.~~

~~H. Truck Parking. Any activity that operates or stores three or more Trucks shall require a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 on any lot that:~~

~~1. Abuts a residential zone, or~~

~~2. Is directly across a street, alley, or path from a residential zone, or~~

~~3. Abuts a legally established residential activity, or~~

~~4. Is on a street where fifty (50) percent or more of the frontage on the street within three hundred (300) feet of the lot has legally established residential activities.~~

~~For the purposes of this section, a "Truck" is defined as a "Commercial Vehicle" having a "Manufacturer's Gross Vehicle Weight Rating" exceeding ten thousand (10,000) pounds or a "Trailer," as those terms are defined in the California Vehicle Code.~~

~~I. Access. Where a lot has access from two or more streets, primary access shall not be from a street which serves as a residential zone boundary, unless all such streets serve as residential zone boundaries. (Ord. 12289 § 3 (part), 2000)~~

~~17.98.100 Applicable performance standards.~~

~~The performance standards specified in Chapter 17.120 shall apply in the S-16 zone. (Ord. 12289 § 3 (part), 2000)~~

~~17.98.110 Nonconforming uses.~~

~~The requirements regarding substitution of nonconforming uses specified in Chapter 17.114.070(A)(3) shall apply in the S-16 zone. (Ord. 12289 § 3 (part), 2000)~~

~~Chapter 17.99~~



## Chapter 17.99

### S-17 DOWNTOWN RESIDENTIAL OPEN SPACE COMBINING ZONE REGULATIONS

#### 17.99.050 Usable open space standards for residential development.

All required usable open space shall be permanently maintained and shall conform to the following standards:

A. Area. On each lot containing residential facilities with a total of two or more living units, usable open space shall be provided for such facilities at a rate of seventy-five (75) square feet per standard unit, fifty (50) square feet per efficiency unit, and thirty-eight (38) square feet per rooming unit.

B. Limitations. Not more than twenty (20)-percent (20%) of the required area shall be provided in widened sidewalks.

C. Size and Shape. An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

Private Usable Open Space	10' (ground floor)
Public Ground-Floor Plaza	10'
Widened Sidewalk	10'*
Rooftop	15'
Courtyard	15'
Off-Site Open Space	5000 square feet

\* Measurement does not include width of existing sidewalk, and is additive to existing sidewalk.

When space is located on a roof, the area occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.

D. Openness. There shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty (50)-percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.

E. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dustfree surfacing. Slope shall not exceed ten percent. Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four feet high.

F. Accessibility. Usable open space, other than private usable open space and off-site open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.

G. Enclosure. Ground-level usable open space shall be screened from abutting lots, streets, alleys, and paths, from abutting private ways described in Section 17.106.020, and from other areas on the same lot by a building wall, by dense landscaping not less than five and one-half feet high and not less than three feet wide, or by a solid or grille, lumber or masonry fence or wall not less than five and one-half feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter. However, when such screening would impair a beneficial outward and open orientation or view, with no building located opposite and within fifty (50) feet from such required screening, as measured perpendicularly therefrom in a horizontal plane, the above prescribed height may be reduced to three and one-half feet. Fences and walls shall not be constructed as to interfere with the access required by applicable fire prevention regulations. (Ord. 12343 § 2 (part), 2001)

**17.99.060 Landscaping requirements.**

At least ten percent (10%) of usable open space area (with the exception of private usable open space) shall include landscaping enhancement as well as user amenities. Landscaping shall consist of permanent features, such as trees, shrubbery, decorative planting containers and coverings (mulch, gravel), fountains, boulders or artwork (sculptures, murals). User amenities shall include seating, decorative paving or playground structures. (Ord. 12343 § 2 (part), 2001)

## Chapter 17.100A

### S-19 HEALTH AND SAFETY PROTECTION COMBINING -ZONE REGULATIONS

#### 17.100A.010 Title, Purpose and Applicability

The intent of the S-19 Health & Safety Protection Combining Overlay Zone is to promote the public health, safety and welfare by ensuring that activities which use hazardous material substances or store hazardous materials, hazardous waste, or explosives locate in appropriate locations and develop in such a manner as not to be a serious threat to the environment, or to public health, particularly to residents living adjacent to industrial areas where these materials are commonly used, produced or found.

#### 17.100A.030 Zones with Which the S-19 May Be Combined

A. The standards of this overlay combining zone shall apply to the following zoning districts:

1. Housing and Business Mix (HBX) zones;
2. CIX-1 (Commercial Industrial Mix-1) zone;
3. CIX-2 (Commercial Industrial Mix-2) and IG (General Industrial) and IO (Industrial Office) zoning districts that are within three hundred (300) feet from any residential, open space, or institutional zone boundary.

B. The standards of this overlay combining -zone shall apply to the following facility types:

1. All new nonresidential facilities or activities;
2. Any nonresidential facility which has lost its legal non-conforming status;
3. Any existing facility or activity where the usable floor area is expanded by more than twenty (~~20%~~) percent (20%) after the effective date of the adoption of this Ordinance;
4. Any alteration or expansion of a facility or activity, such that it requires a new Risk Management Plan or other Hazardous Materials Business Plan.

#### 17.100A.040 Prohibited Land Uses

The following land use activities are prohibited within the S-19 Health and Safety Protection Overlay-Combining Zone:

- A. Electroplating;
- B. Hazardous Waste Management, Industrial/Transfer Storage; and Residuals Repositories;
- C. Activities which involve manufacturing, storing or use of explosives

#### 17.100A.050 General Standards

The following additional regulations shall apply within the S-19 Health and Safety Protection Combining Zone:

A. Storage and use of all hazardous materials and hazardous waste shall be reviewed and approved by the Fire Department prior to commencement of operation or any alteration of activity. A risk management plan may also be required, per the Certified Program Uniform Assistance (CUPA) ordinance (O.M.C. 8.42).

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B. No storage or use of hazardous materials and waste can be located within three hundred (300) feet of a residential, institutional or open space zoning district without written approval or consent of the Fire Department.

## Chapter 17.100B

### S-20 HISTORIC PRESERVATION DISTRICT COMBINING ZONE REGULATIONS

#### 17.100B.030 - Required design review process.

A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Building Facility, (see code Section 17.09.040 for definition), Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Sections 17.100B.050, 17.100B.060, and 17.100B.070, the Telecommunications regulations in Chapter 17.128; or the Sign regulations in Chapter 17.104.

B. ~~Sec~~ Section 17.136.075 contains for design review criteria for the demolition or removal of Designated Historic Properties and Potentially Designated Historic Properties.

C. Landmarks Referral. If an application is for regular design review in the S-20 zone, and the Director of City Planning determines that a proposed addition or alteration will have a significant effect on the property's character-defining elements that are visible from a street or other public area, the Director may, at his or her discretion, refer the project to the Landmarks Preservation Advisory Board for its recommendations. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. An addition or alteration is normally considered "visible from a street or other public area" if it affects a street face or public face of the facility or is otherwise located within the "critical design area," defined as the area within forty (40) feet of any street line, public alley, public path, park or other public area. (Ord. No. 12899 § 4, Exh. A, 2008; Ord. 12872 § 4, Exh. A (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12513 Attach. A (part), 2003)

## CHAPTER 17.101A

### D-WS WOOD STREET DISTRICT COMMERCIAL ZONE REGULATIONS

Sections:

17.101A.010 Title, **purpose**, and **applicability**.

17.101A.010 Title, **purpose**, and **applicability**.

≡A. The provisions of this chapter shall be known as the D-WS Wood Street District Commercial Zone Regulations. The D-WS zone is intended to create an active, pedestrian oriented, mixed-use, urban community in the area generally bounded by 10th Street, Wood Street, West Grand Avenue and Frontage Road/I-880.

≡B. The Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District which are described in Ordinance 12673 C.M.S shall apply to the area of the zoning maps with a D-WS designation.

## **CHAPTER 17.101B**

### **D-OTN OAK TO NINTH DISTRICT ZONE REGULATIONS**

Sections:

**17.101B.010** Title, purpose, and applicability.

**17.101B.010** Title, purpose, and applicability.

1.A. The provisions of this chapter shall be known as the D-OTN Oak to Ninth District Zone Regulations.

**B.** The “Zoning Regulations and Standards for Development and Use of Property within the Planned Waterfront Zoning District (PWD-4) Oak to Ninth Mixed Use Development” which are attached to Ordinance 12758 C.M.S shall apply to the area designated in Ordinance 12759 C.M.S.

Chapter 17.101D

**D-KP KAISER PERMANENTE OAKLAND MEDICAL CENTER  
DISTRICT ZONES REGULATIONS**

Sections:

- 17.101D.010 Title, purpose and applicability.
- 17.101D.020 Special Regulations governing use and development in the D-KP-4 zone.
- 17.101D.030 Permitted and conditionally permitted activities in the D-KP-1, D-KP-2, and D-KP-3 zones.
- 17.101D.040 Permitted and conditionally permitted facilities in the D-KP-1, D-KP-2, and D-KP-3 zones.
- 17.101D.050 Required Master Plan conformance and design review.
- 17.101D.060 Design Review.
- 17.101D.070 Design review application.
- 17.101D.080 Master Plan amendment.
- 17.101D.090 Minimum lot area width and frontage.
- 17.101D.100 Maximum floor area.
- 17.101D.110 Maximum height for new construction.
- 17.101D.120 Parking and loading areas.
- 17.101D.130 Signs.
- 17.101D.140 Landscaping, buffering and screening.
- 17.101D.150 Demolition.
- 17.101D.160 Skybridges.

17.101D.010 Title, purpose and applicability.

A. The provisions of this chapter shall be known as the D-KP Kaiser Permanente Oakland Medical Center District Zones Regulations. This chapter establishes land use regulations for the D-KP-1, D-KP-2 D-KP-3 and D-KP-4 zones, which are depicted in Figure OMC 1. The purposes of the Kaiser Permanente Oakland Medical Center zones are to:

- Replace the Oakland Medical Center with a new, state of the art facility to serve Kaiser Permanente's Oakland and Alameda membership;
- Comply with state requirements under SB 1953 mandating the seismic upgrade or replacement of the Oakland Medical Center hospital by January 1, 2013;
- Update and modernize the Oakland Medical Center's patient care and administrative service space to meet Kaiser Permanente's current standards;
- Ensure that the Oakland Medical Center will be architecturally and functionally integrated, and that the Oakland Medical Center will be compatible with the existing neighborhood;
- Provide a framework of development standards that takes into account the scale, massing and content of the surrounding community;
- Provide a set of procedures and practices to review and consider future design of new building construction.

**D-KP-1 Kaiser Permanente Oakland Medical Center District Commercial 1 Zone:** The D-KP-1 zone is intended for those properties north of MacArthur Boulevard and west of Broadway.



**D-KP-2 Kaiser Permanente Oakland Medical Center Commercial District 2 Zone:** The D-KP-2 zone is intended for those properties south of MacArthur Boulevard.

**D-KP-3 Kaiser Permanente Oakland Medical Center Commercial District 3 Zone:** The D-KP-3 zone is intended for those properties north of MacArthur Boulevard and east of Broadway.

**D-KP-4 Kaiser Permanente Oakland Medical Center 4 Residential District Zone:** The D-KP-4 zone is intended for those single family residential properties on the east side of Manila Avenue which are, and will remain zoned R-70, and will have the permitted uses further restricted during time the properties remain a part of the Kaiser Permanente Oakland Medical Center.

B. The Kaiser Permanente Oakland Medical Center Zoning District is applied as an overlay district for those properties which are not owned by Kaiser Permanente. The existing zoning designation shall remain as the applicable zoning district, and the zoning regulations associated with that zoning district shall govern all development and use of the property until Design Review for the parcel/lot is approved by the City in accordance with the provisions of the D-KP District, with the consent of the property owner. Upon approval of Design Review, the zoning standards, guidelines, regulations and other requirements for the development and use of property within the applicable D-KP District and the adopted conditions of approval or mitigation monitoring program shall govern the use and development of that property.

**17.101D.020 Special Regulations governing use and development in the D-KP-4 zone.**

A. ~~Special regulations governing use and development in the D-KP-4 zone.~~

The properties in the D-KP-4 zones ~~that are zoned R-70~~RU-3<sup>2</sup> and shall remain be subject to the regulations of the ~~R-70~~RU-3 residential District zone, contained in ~~Chapter 17.28~~ except that while the properties are included as a part of the Kaiser Permanente Oakland Medical Center, the properties may only be used for the following activities: (i) single family residential uses; (ii) sleeping rooms for medical center staff; or (iii) temporary housing for families of members receiving long-term care at the Kaiser Permanente Oakland Medical Center.

~~—B.~~ The existing single family residential buildings on the east side of Manila within the D-KP-4 Zone shall remain.

**17.101D.030 Permitted and conditionally permitted activities.**

Table 17.101D.01 lists the permitted, conditionally permitted, and prohibited activities in the D-KP-1, D-KP-2, and D-KP-3 zones. The descriptions of these activities are contained in Chapter 17.10.

“P” designates permitted activities in the corresponding zone.

“C” designates activities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone

“—” designates **uses that are prohibited in the corresponding zone**

Table 17.101D.01 Permitted and Conditionally Permitted Activities				
Activity	Regulations			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
<i>Residential Activities</i>				
Permanent	P	P	P	
Residential Care	C	C	C	17.102.212
Service-Enriched Permanent Housing	C	C	C	17.102.212
Transitional Housing	C	C	C	17.102.212
Emergency Shelter	C	C	C	17.102.212

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<b>Table 17.101D.01 Permitted and Conditionally Permitted Activities</b>				
Activity	Regulations			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
Semi-Transient	C	C	C	17.102.212
Bed and Breakfast	C	C	C	17.10.125
<i>Civic Activities</i>				
Essential Service	P	P	P	
Limited Child-Care	P	P	P	
Community Assembly	P	P	P	
Recreational Assembly	P	P	P	
Community Education	P	P	P	
Nonassembly Cultural	P	P	P	
Administrative	C	C	C	
Health Care	P	P	P	
Special Health Care	C	C	C	17.102.410
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
<i>Commercial Activities</i>				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurants and Café	P	P	P	
Fast-Food Restaurant	C	C	C	17.102.210 and 8.09
Convenience Market	P	C	C	17.102.210
Fast-Food-Restaurant	G	G	G	
Alcoholic Beverage Sales	C	C	C	17.102.210 and 17.102.040
Mechanical or Electronic Games	C	C	C	17.102.210
Medical Service	P	P	P	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	--	--	--	
Consumer Service	P	P	P	
Consultative and Financial Service	C	C	C	
Check Cashier and Check Cashing	--	--	--	
Consumer Cleaning and Repair	P	P	P	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	C	C	C	
Personal Instruction and Improvement	P	P	P	
Administrative	C	C	C	
Business, Communication, and Media Service	C	C	C	
Broadcasting and Recording Services	C	C	C	
Research Service	C	C	C	
General Wholesale Sales	--	--	--	
Transient Habitation	--	--	--	
Wholesale and Professional Building Material Sales	--	--	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	--	
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	--	
Automobile and Other Light Vehicle Repair and Cleaning	--	--	--	
Taxi and Light Fleet-Based Services	--	--	--	
Automotive Fee Parking	C	C	C	
Animal Boarding	C	C	C	
Animal Care	C	C	C	

Table 17.101D.01 Permitted and Conditionally Permitted Activities				
Activity	Regulations			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
<b>Industrial Activities</b>				
All Industrial Activities prohibited in these zones				
<b>Agricultural and Extractive Activities</b>				
All Agricultural and Extractive Activities prohibited in these zones				
Off-street parking serving activities other than those listed above or in Section 17.74.030, subject to the conditions set forth in Section 17.102.100	C	C	C	17.74.030 17.102.100
Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.	C	C	C	17.102.110

17.101D.040 Permitted and conditionally permitted facilities in the D-KP-1, D-KP-2, and D-KP-3 zones.

KP-2, and D-KP-3 zones. The descriptions of these activities are contained in Chapter 17.10.

“P” designates permitted activities in the corresponding zone.

“C” designates activities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone

“—” designates uses that are prohibited in the corresponding zone

Table 17.101D.02 Permitted and Conditionally Permitted Activities				
Facility Types	Zone			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
<b>Residential Facilities</b>				
One-Family Dwelling	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	102.360
Two-Family Dwelling	P	P	P	
Multifamily Dwelling	P	P	P	
Rooming House	P	P	P	
Mobile Home	--	--	--	
<b>Nonresidential Facilities</b>				
Enclosed nonresidential facilities	P	P	P	
Open nonresidential facilities	C	C	C	
Sidewalk Café	P	P	P	17.102.335
Drive-In	C	C	C	
Drive-Through	C	C	C	17.102.290
<b>Telecommunications Facilities</b>				
Micro Telecommunications	P	P	P	
Mini Telecommunications	C	C	C	
Macro Telecommunications	C	C	C	

<b>Table 17.101D.02 Permitted and Conditionally Permitted Activities</b>				
Facility Types	Zone			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
Monopole Telecommunications	C	C	C	
Tower Telecommunications	--	--	--	
<b>Sign Facilities</b>				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104
Development Signs	P	P	P	17.104
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104
Business Signs	P	P	P	17.104
Advertising Signs	--	--	--	17.104

**17.101D.050 Required Master Plan conformance and design review.**

A. Substantial Conformance to the Kaiser Permanente Oakland Medical Center Master Plan is required for all projects in the D-KP-1, D-KP-2, and D-KP-3 zones.

B. Except for projects that are exempt from design review as set forth in Section 17.136.025, No Building Facility, Telecommunications Facility, Sign, or other facility-associated structure shall be constructed, established, or altered in exterior appearance such-a-manner-unless plans for such-the proposal have been approved pursuant to the design Review Procedure set-forth-in section 17.101D.060.

**17.101D.060 Design Review.**

**A. Design Review Application.**

1. **Pre-Application Conference:** Prior to application for design review, the applicant or his or her representative shall have a conference with a representative of the City Planning Department before or at an early stage in the design process to review the proposed project for consistency with the adopted *Kaiser Permanente Oakland Medical Center Master Plan*. At the conference the city representative shall provide information about applicable design review criteria and pertinent procedures, including the opportunity for advice from outside design professionals. Where appropriate the city representative may also informally discuss possible design solutions, point out potential neighborhood concerns, and mention local organizations which the applicant is encouraged to contact before finalizing the proposal.
2. **Application for Design Review:** Application for design review shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by such information as may be required to allow applicable criteria to be applied to the proposal, and by the fee prescribed in the City's Master Fee Schedule. Such information may include, but is not limited to, site and building plans, elevations, and relationships to adjacent properties.

B. **Exemptions from Design Review.** The following changes to existing nonresidential buildings are exempt from design review:

1. Any alteration or addition of existing floor area or footprint area determined by the Director of City Planning to be not visible from the street or from other public areas. An alteration or addition will normally be considered “not visible from the street or from other public areas” if it does not affect any street face or public face of a building or is located more than forty (40) feet from any street line, public path, park or other public area;
2. Alterations or additions of floor area or footprint that are determined by the Director of City Planning to be visible from the street or from other public areas, but which comprises less than ten percent (10%) of the total floor area, or anything under 25,000 square feet, whichever is smaller ;
3. A change of sign face copy or new sign face so long as the structure and framework of the sign remain unchanged and the new sign face duplicates the colors of the original or, in the case of an internally illuminated sign, the letter copy is light in color and the background is dark;
4. Any alteration or addition not normally exempt which is used as a loading dock, recycling area, utility area, porch, deck or similar open structure addition that is no higher than six (6) feet above finished grade, less than five hundred (500) square feet in floor or footprint area, and has no significant visual or noise impact to neighboring properties or from a public street. Exemptions only permitted where the proposal conforms with all buffering requirements in Chapter 17.110 and all performance standards in Chapter 17.120.
5. The alteration or addition is on a roof and does not project above the parapet walls.

C. **Small Project Design Review.** “Small project design review” means design review for minor alterations or additions to existing facilities that do not require a Subsequent or Supplemental EIR nor any other permit, variance or other approval pursuant to the zoning regulations of Title 17 of the Oakland Planning Code.

1. **Definition of Small Projects.** Small Projects are limited to one or more of the following types of work:
  - a. New or modified signs, excluding advertising signs; signs extending above the roofline; and multi-tenant freestanding signs;
  - b. New or modified awnings;
  - c. Color changes to buildings, signs, awnings or other facilities;
  - d. Changes to storefronts or ground floor facades limited to replacement or construction of doors, windows; bulkheads and nonstructural wall infill; or installation or replacement of security grilles or gates; provided, however, they do not involve properties considered to be Historic Resources as defined by

CEQA Guidelines section 15064.5 (14 CFR section 15064.5) and the City's Historic Preservation Element Policy 3.8;

- e. Installation of flags or banners having any permanent structure within the public right of way;
  - f. Fences.
2. Procedure for Consideration of Small Project Design Review: An application for small project design review shall be considered by the Director of City Planning.
- a. The Director shall determine whether the proposal conforms to the applicable design review criteria and also is in substantial conformance to the *Kaiser Permanente Oakland Medical Center Master Plan*.
  - b. The Director may approve or disapprove the proposal and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to said criteria.
  - c. The Director's decision shall be in writing, shall be final immediately and is not appealable.
  - d. Whenever an application for small project design review has been denied by the Director of City Planning, no small project design review application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one year after the date of denial; provided, however, that such proposal may be resubmitted as an application for regular design review within one year of denial in accordance with Section 17.136.120.

**D. Regular Project Design Review.** Unless determined exempt or subject to small project design review pursuant to Section 17.10ID.040 B or C above, no building, sign or other facility shall be constructed or established or altered in such a manner as to substantially affect its exterior appearance unless plans for such proposal have been approved pursuant to the following Regular Design Review procedures:

- 1. Reviewing Body:
  - a. If the project requires preparation of a Subsequent or Supplemental Environmental Impact Report, or involves twenty-five thousand (25,000) square feet or more of floor area, or includes a proposed skybridge, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision.
  - b. All other applications for regular design review shall be considered by the Director of City Planning. However, the Director may, at his or her discretion, refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.
- 2. Procedure for Consideration of Design Review: Applications for design review shall be considered by the Director of City Planning or the Planning Commission according to the following procedures:

- a. Decisions by the Planning Commission shall be made at a public hearing. At his or her discretion, the Director of City Planning may hold an administrative hearing for projects under his or her review.
- b. Notice of public and/or administrative hearings shall be given by posting notices thereof within three hundred (300) feet of the property involved in the application; notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved. Notice shall also be given by e-mail, mail or delivery to all persons previously requesting to be notified of actions related to the Kaiser OMC Campus through public workshops, community meetings or other direct requests to the Planning Department. All such notices shall be given not less than ~~seventeen~~<sup>fifteen</sup> (17~~45~~<sup>15</sup>) days prior to the date set for the hearing, if such is to be held, or, if not, for decision on the application by the Director or the Commission, as the case may be.
- c. The Director or the Commission may seek the advice of outside design professionals and/or refer the matter to the City's Landmark's Preservation Advisory Board if Historic Resources may potentially be affected.
- d. The Director or the Commission, as the case may be, shall determine whether the proposal conforms to the applicable design review criteria and also is in substantial conformance to the Kaiser Permanente Oakland Medical Center Master Plan, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her or its judgment necessary to ensure conformity to said criteria.
- e. A determination by the Director shall become final ten (10) days after the date of decision unless appealed to the City Planning Commission in accordance with the procedures in Section 17.136.080. The decision of the Planning Commission on appeal is final and is itself not appealable.
- f. An initial decision of the Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with the procedures in Section 17.136.090.

E. Design Review Criteria. Design review approval may be granted only if the proposal is in substantial conformance to the *Kaiser Permanente Oakland Medical Center Master Plan* including without limitation its goals, objectives, principles and guidelines, and also conforms to all of the following criteria:

- a. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered; and

- b. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area; and
- c. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City Council; and
- d. That any proposed retaining wall is consistent with the overall building and site design and respects the natural landscape and topography of the site and surrounding areas, and that the retaining wall is responsive to human scale, avoiding large, blank, uninterrupted or un-designed vertical surfaces.

F. **Adherence to Approved Plans.** A design review approval shall be subject to the plans and other conditions upon the basis of which it was granted and shall terminate in accordance with Section 17.136.100.

G. **Revocation/Enforcement.** In the event of a violation of any of the provisions of the zoning regulations, or in the event of a failure to comply with any prescribed condition of approval, or if the activity causes a public nuisance, the City may, after holding a public hearing, revoke any design review approval or other approval or take other enforcement actions in accordance with the procedures in Chapter 17.152.

H. **Review by Landmarks Board.** A design review application may be subject to review by the Landmarks Preservation Advisory Board in accordance with Section 17.136.040.

I. **Design Review and Other Approvals.** Whenever design review approval is required for a proposal also requiring a conditional use permit, or planned unit development permit or variance, the application for design review shall be included in the application to said permit and shall be processed and considered as part of same, in accordance with Section 17.136.120.

**17.101D.070 Design review application.**

The application for design review for one or more Campus Zones shall include the following:

- 1. Streets, driveways, sidewalks, pedestrian and bike ways, and off-street parking and loading areas, including integration with surrounding uses.
- 2. Location and dimensions of structures.
- 3. Major landscaping features, including trees protected by Oakland Municipal Code Chapter 12.36, as it may be amended.
- 4. Creeks Protected by Oakland Municipal Code Chapter 13.16, as it may be amended.
- 5. The presence of any historic resources pursuant to the City's Historic Preservation Element Policy 3.8 or as defined in Section 15064.5 of Title 14 of the California Code of Regulations.
- 6. Plan and elevation drawings establishing the scale, character, and relationship of buildings, streets, and open spaces, and a description of all exterior building materials.



7. A tabulation of the land use area and gross floor area to be devoted to health care and retail uses, if any.
8. A public services and facilities plan including proposed location, extent and intensity of essential public services and facilities such as public streets and transit facilities, pedestrian access, bikeways, sanitary sewer service, water service, storm drainage structures, solid waste disposal and other utilities and a table comparing the descriptions to the existing location, extent and intensity of such essential public facilities and services.
9. If required, a Phasing Plan generally depicting projected development time frames sufficient to illustrate the relationship between the phasing of development and the provision of public facilities and services and parking.

**17.101D.080 Master Plan amendment.**

A. The City Council shall not amend the *Kaiser Permanente Oakland Medical Center Master Plan* until after it has received, pursuant to this procedure, a recommendation from the Planning Commission. The purpose of these provisions is to set forth the procedure by which amendments may be made to the *Kaiser Permanente Oakland Medical Center Master Plan*.

1. **Private Party Initiation.** The owner of any property with a D-KP zone, or his or her authorized agent, may make application to the City Planning Commission to amend the *Kaiser Permanente Oakland Medical Center Master Plan*.
2. **Commission Initiation.** The City Planning Commission may, and upon request of the City Council, initiate a *Kaiser Permanente Oakland Medical Center Master Plan* amendment. Such initiation shall be for the purpose of reviewing the merits of the proposal and shall not imply advocacy by the Commission for amendment.

B. A private party application shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by the fee prescribed in the City's Master Fee Schedule. Upon receipt of a completed application, the Director shall, within a reasonable period of time, schedule a public hearing before the Planning Commission. The Director or the Commission may seek the advice of outside design professionals and/or refer the matter to the City's Landmark's Preservation Advisory Board if Historic Resources may be affected.

C. In the case of initiation by the City Planning Commission or initiation by a private party, the Commission shall, within 90 days from the date the submittal is deemed complete, hold a public hearing on the proposal. The Director or the Commission may seek the advice of outside design professionals and/or refer the matter to the City's Landmark's Preservation Advisory Board if Historic Resources may be affected. The Commission shall, in every case, make a recommendation to the City Council for appropriate action.

D. Upon receipt of a recommendation from the City Planning Commission, the City Council shall set the date for consideration of the matter. The Council may approve, modify, or disapprove the Commission's recommendations, as the case may be. The decision of the City Council shall be made by resolution and shall be final.

E. Notice of public hearings required herein shall be given by (1) newspaper; (2) posting notices thereof within three hundred (300) feet of the property involved in the application; and (3) by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved. Notice shall also be given by e-mail, mail or delivery to all persons previously requesting to be notified of actions related to the Kaiser OMC Campus through public workshops, community meetings or other direct requests to the Planning Department. All such notices shall be given not less than ~~fifteen (15)~~ seventeen (17) days prior to the date set for the hearing on the application before the Commission or City Council, as the case may be.

F. Whenever a private party application has been denied by the City Council, no such application for the same proposal shall be filed within one year after the date of denial.

**17.101D.090 Minimum lot area width and frontage.**

The following table contains the minimum lot area, width and frontage requirements for the zones in this chapter.

Standard	Zone		
	D-KP-1	D-KP-2	D-KP-3
Minimum lot area	4,000	4,000	4,000
Minimum lot width	25 ft	25 ft	25 ft
Minimum lot frontage	25 ft	25ft	25 ft

Lot width and frontage for D-KP-4 based on ~~the R-70~~ RU-3 zoning.

**17.101D.110 Maximum height for new construction.**

The maximum heights for new construction in the D-KP zones shall be as follows:

A. In the D-KP-1 Zone, the maximum building height for the Medical Office Building shall be 85 feet. The maximum height of any freestanding parking structure shall be 41 feet (2 stories of parking above ground floor retail, with rooftop parking allowed).

B. In the D-KP-2 Zone, the maximum height for the new hospital tower shall be 210 feet.

C. In the D-KP-3 Zone, the maximum height of new buildings (not including parking structures) shall be 70 feet (5 stories at 14 feet per story). Parking structures shall be limited to a maximum of 53 feet. In the D-KP-3 Zone all structures shall be set back from the adjacent ~~R-50-residential-area-~~ RM-3 zone on Cerrito Avenue, Howe Street, and 38th Street by a minimum of 12 feet. No structure may exceed 30 feet in height unless additional setbacks are provided equivalent to an additional horizontal distance of one foot beyond the 12-foot setback for each foot that the structure extends above 30 feet, up to the maximum allowable height.

D. Maximum height for D-KP-4 is equivalent to ~~RU-3R-70~~ requirements.

**17.101D.150 Demolition.**

Consistent with Oakland Municipal Code Section 15.36.070, during the *Kaiser Permanente Oakland Medical Center Master Plan* approval process, the City Council may identify specific buildings

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for which a demolition permit may be issued without first obtaining a building permit because the issue of demolition was expressly considered as part of the *Kaiser Permanente Oakland Medical Center Master Plan* approval process. These buildings shall be listed in the *Kaiser Permanente Oakland Medical Center Master Plan* as eligible for demolition prior to the issuance of building permits.

## Chapter 17.102

### GENERAL REGULATIONS APPLICABLE TO ALL OR SEVERAL ZONES

Sections:

- 17.102.010 Title, purpose, and applicability.
- 17.102.020 Supplemental zoning provisions.
- 17.102.040 Effect of prior permits.
- 17.102.070 Application of zoning regulations to lots divided by zone boundaries.
- 17.102.080 Permitted and conditionally permitted uses.
- 17.102.090 Conditional use permit for shared access facilities.
- 17.102.100 Conditions for accessory parking serving activities which are not themselves allowed.
- 17.102.110 Conditions for expansion of use into adjacent zones.
- 17.102.120 Restriction on removal of dirt or other minerals--Residential and S-1, S-2, S-3 and OS zones.
- 17.102.130 Time limit on operation of subdivision sales offices--Residential zones.
- 17.102.140 Special regulations applying to private stables and corrals.
- 17.102.160 Special regulations applying to adult entertainment activities.
- 17.102.170 Special regulations applying to massage activities.
- 17.102.180 Restriction on vertical location of activities in buildings containing both Residential and Nonresidential Activities--Commercial zones.
- 17.102.190 Joint Living and Work Quarters.
- 17.102.195 Residentially-oriented joint living and working quarters.
- 17.102.200 Conditional use permit required for pedestrian bridges constructed over city streets.
- 17.102.210 Special regulations applying to Fast-Food Restaurants, Convenience Markets, ~~Fast-Food-Restaurants~~, certain establishments selling alcoholic beverages, providing mechanical or electronic games, and Transport and Warehousing Storage of abandoned, dismantled or inoperable vehicles, machinery, equipment, and of construction, grading, and demolition materials and Scrap Operation.
- 17.102.212 Special regulations applying to Residential Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities.
- 17.102.220 Special regulations applying to Mining and Quarrying Extractive Activities.
- 17.102.230 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity--Nonresidential zones.
- 17.102.240 Special regulations applying to microwave dishes in or near residential zones.
- 17.102.250 Maximum density and floor-area ratio during construction.
- 17.102.260 Occupancy of a dwelling unit.
- 17.102.265 Occupancy of a One-Family Dwelling Residential Facility by a Residential Care Residential Activity.
- 17.102.270 An additional kitchen for a single dwelling unit.
- 17.102.280 Rules for determining the number of habitable rooms in Residential Facilities.
- 17.102.290 Special regulations for Drive-Through Nonresidential Facilities.
- 17.102.300 Conditional use permit for dwelling units with five or more bedrooms.
- 17.102.310 Special regulations for certain projects with development agreements.
- 17.102.320 Conditional use permit for waiver of certain requirements in mini-lot developments.
- 17.102.330 Conditional use permit for waiver of certain requirements with parcel division between existing buildings.

- 17.102.335 Standards for Sidewalk Cafes.
- 17.102.340 Special regulations applying to electroplating activities in the M-20, M-30, and M-40 zones.
- 17.102.350 Regulations applying to tobacco-oriented activities.
- 17.102.360 Secondary Units.
- 17.102.370 Conditional use permit for hotels and motels.
- 17.102.380 Special regulations applying to truck-related activities in the West Oakland Community Development District.
- 17.102.400 Special design requirements for lots that contain Residential Facilities and no Nonresidential Facilities.
- 17.102.410 Regulations Applying to Special Health Care Civic Activities.
- 17.102.420 Special design requirements for lots located in a residential and commercial zones and the OS, S-1, S-2, S-3, and S-15 zones.
- 17.102.430 Regulations applying to check cashier and/or check cashing activity.

**17.102.070** Application of zoning regulations to lots divided by zone boundaries.

~~A.~~ Wherever it is found, after applying the rules set forth in Section 17.154.050 for interpretation of zone boundaries, that any lot is divided by a boundary between zones, the provisions of the zoning regulations shall apply as follows to such lot:

~~AA1.~~ Application of All Regulations of One Zone to Existing Lot If Boundary Is Near Lot Line. (See illustration I-7.) If the lot was on the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto resulting in division of the lot by a zone boundary, and the owner or developer of such lot, or of a portion or combination of such lot or lots, may at his or her option assume that all of the regulations applying in any zone covering fifty (50) percent (50%) or more of the lot area apply to the entire lot or lots. However, this option shall not apply unless the entire lot or all such lots or parcel of land could be included in such zone by shifting the affected zone boundary by not more than thirty (30) feet, as measured perpendicularly to said boundary at any point.

~~BB2.~~ Application of Regulations Where subsection A Is Inoperative. (See illustration I-8.) Wherever the provisions of subsection A of this section do not apply or the option provided therein is not exercised:

~~11a.~~ No activity type or facility type is allowed on any portion of the lot located in a zone where such type is not generally allowed, except for the accessory uses allowed by subsections (B)(2) and (B)(3) of this section.

~~22b.~~ Accessory off-street parking and loading may be located on the lot without regard for zone boundaries; provided that no parking or loading shall be located on any portion of the lot located in a zone where the principal activity served is not generally allowed, except as such parking is specifically allowed by the applicable individual zone regulations subject to the conditions set forth in Section 17.102.100; and further provided that parking and loading shall be subject to a conditional use permit requirement or other special controls on any portion of the lot located in any zone where such controls generally apply to parking or loading. The total amount of required parking and loading shall be calculated separately on the basis of the amount of the served use and the requirements applying in each zone; provided that the minimum size for which any parking or loading is required shall be deemed to be exceeded if it is exceeded by the total of such use on the entire lot.

~~33e.~~ Accessory landscaping, fences, screening or retaining walls, and usable open space may be located on the lot without regard for zone boundaries. The total amount of required usable open space shall be calculated separately on the basis of the number of living units, or amount of floor area, and the usable open space requirements in each zone; provided that where reference is made to the total number of living units on a lot, the number on the entire lot shall be considered.

~~44d.~~ The maximum permitted or conditionally permitted number of living units or floor-area ratio, if any, on the lot shall be calculated separately on the basis of the amount of lot area and the density ratio and floor-area ratio applying in each zone. The resulting maximum permitted or conditionally permitted

total number of living units or amount of floor area may be distributed on the lot without regard for zone boundaries, except as otherwise provided in subsection (B)(1) of this section and except that the number of living units and amount of floor area within each zone shall not exceed the number or amount which would be allowed on the entire lot if it were completely within such zone.

55e. The minimum lot area, width, and frontage requirements of the zone which covers the greater or greatest portion of the lot area of the lot shall apply to the entire lot. If the lot area is divided equally between two or more zones, the owner or developer of the lot may assume that the minimum lot area, width, and frontage requirements of either or any of such zones apply to the entire lot.

66f. All regulations not covered above shall apply separately to the portion of the lot within each zone, provided that where reference is made in such regulation to the total quantity of living units or other unit of measurement on a lot, the quantity on the entire lot shall be considered. (Prior planning code § 7006)

CB. Wherever a lot is divided by a boundary between height areas, the height line may be moved up to thirty (30) feet in any direction upon the granting of Regular Design Review approval (see Chapter 17.136 for the Regular Design Review process) to accommodate the site plan of a proposed development project. In addition to the general Design Review Criteria contained in Chapter 17.136, the proposal must meeting the following criteria:

1. The height line adjustment creates a more successful site plan in terms of open space, parking, or building location; and

2. Appropriate height transitions are incorporated into the building design and site plan to adjacent lower density residential properties that either share a parcel line or are across the street from the proposal.

#### 17.102.090 Conditional use permit for shared access facilities.

A. Use Permit Required. A shared access facility shall be allowed only upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Use Permit Criteria. A conditional use permit under this section may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

1. Compliance with Guidelines. Each shared access facility proposal shall be in compliance with all applicable city standards, including but not limited to the City Planning Commission guidelines for development and evaluation of shared access facilities.

2. Public Safety. The width of a shared access facility shall be adequate to ensure unimpeded emergency and nonemergency ingress and egress at all times. Additionally, the shared access facility shall conform to city standards for roadway layout and design.

3. Aesthetics. A shared access facility shall be designed to provide the environmentally superior alternative to other approaches for the development of the property and shall be designed to be visually compatible with its surroundings, as set forth in the City Planning Commission guidelines; necessary retaining walls shall not be of excessive height and shall not be visibly obtrusive, as such are defined in the City Planning Commission guidelines.

4. On-Going Owner Responsibility. Applicants for a shared access facility shall submit, for approval, an agreement for access facility maintenance, parking restrictions, and landscape maintenance. Upon staff approval, the proposed agreement shall be recorded by the applicant within thirty (30) days with the Alameda County Recorder. In addition, applicants for a shared access facility shall provide documentation of continuing liability insurance coverage. Documentation of insurance coverage shall include the written undertaking of each insurer to give the city thirty (30) days' prior written notice of cancellation, termination, or material change of such insurance coverage.

5. Certification. Prior to construction, applicants for a shared access facility shall retain a California registered professional civil engineer to certify, upon completion, that the access facility was constructed in accordance with the approved plans and construction standards. This requirement may be

modified or waived at the discretion of the Director of Public Works, based on the topography or geotechnical considerations. An applicant may also be required to show assurance of performance bonding for grading and other associated improvements. In addition, prior to the installation of landscaping, an applicant shall retain a landscape architect or other qualified individual to certify, upon completion, that landscaping was installed in accordance with the approved landscape plan. (Prior planning code § 7010)

**17.102.110 Conditions for expansion of use into adjacent zones.**

The following regulations shall apply to activities which are conditionally permitted by the applicable individual zone regulations near a zone boundary and subject to the conditions set forth in this section:

A. **Substantial Improvement in, or Superior, Environment.** A conditional use permit for such a use may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and that the location, size, design, and other characteristics of the entire use as proposed will substantially improve or provide superior environmental relationships among all uses in the immediate vicinity.

B. **Preservation of Privacy.** A conditional use permit for such a use may be granted only upon determination that the design and site planning of all buildings, open areas, parking, service areas, paths, stairways, accessways, corridors, and balconies will be so designed as to not adversely affect the privacy, safety, or environmental amenities of adjacent properties.

C. **Retention of Natural and Topographic Features.** A conditional use permit for such a use may be granted only upon determination that within the expansion area every reasonable effort will be undertaken to preserve natural grades, topographic features, watercourses, and significant landscape features.

D. **Expansion of Use on Abutting Lot.** Such uses shall be allowed only when they constitute an expansion of or are a part of an existing or proposed activity or facility which is located in or partially located in the adjacent zone, and is permitted or conditionally permitted therein. Such uses shall be allowed only on a lot, or one of a series of lots under one ownership, directly contiguous to the lot in the adjacent zone, with no intervening streets.

E. **Maximum Distance from Zone Boundary.** Such uses shall not extend more than one hundred fifty (150) feet into the zone, as measured perpendicularly from the zone boundary at any point.

F. **Increased Off-Street Parking.** Off-street parking shall be provided for the proposed development in an amount at least one hundred fifty (~~450~~)-percent (150%) of that required by the off-street parking requirements in Chapter 17.116.

G. **Height.** Within the area of the allowed expansion, the maximum height of any building or facility shall not exceed the maximum height permitted on abutting lots.

H. **Increased Yard Areas.** The minimum yard depth or width, as the case may be, for buildings within the expansion area shall be no less than one hundred fifty (~~450~~)-percent (150%) of the yard depth or width, if any, required for uses on those properties abutting the expansion area.

I. **Screening and Buffering.** The exterior perimeter of the expansion area shall be provided with screening and buffering devices including, but not limited to, established trees.

J. **Maximum Density.** The number of living units on any lot or series of lots involved in the expansion of use shall be calculated separately on the basis of the amount of lot area and the density ratio applying in each of the affected zones. The maximum number of living units allowed in the proposed development shall not exceed the accumulative total resulting from adding the density calculations for each of the lot areas and zones involved in the expansion. (Prior planning code § 7012)

**17.102.160 Special regulations applying to adult entertainment activities.**

A. **Conditional Use Permit Requirement.** Adult entertainment activities are not permitted in any zone except upon the granting of a conditional use permit pursuant to the criteria in subsection B of this

section (which supersedes the general criteria in Section 17.134.050) and the conditional use procedure in Chapter 17.134.

B. Conditional Use Permit Criteria. A conditional use permit for an adult entertainment activity shall only be granted upon a determination that all of the following conditions are present notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:

1. The requested use at the proposed location will not adversely affect the use of churches, temples or synagogues; public, parochial or private elementary, junior high or high schools; public parks and recreation centers; public or parochial playgrounds; residences; child care facilities; elderly residential care facilities; hospitals; medical clinics; colleges; or libraries, all within a five hundred (500) foot radius by engendering sounds, activities, visual depictions or advertisements that create an exterior atmosphere which unreasonably interferes with the operations of such surrounding uses.

2. The requested use at the proposed location is sufficiently buffered in relation to residentially zoned areas within the immediate vicinity such that any obtrusive or distracting environmental factors which may emanate from the use do not adversely affect said areas.

3. The exterior appearance of the structure will not be conspicuously of a lesser quality (i.e., with respect to such elements as building facade, lighting, and signage materials) than the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood or cause a substantial diminution or impairment of property values within the neighborhood.

4. The proposed use will not be inconsistent with the adopted general plan for the area.

5. The proposed site is adequate in size and shape to accommodate the parking and loading facilities, landscaping and other development features prescribed in the planning code or other city regulations or as is otherwise required in order to integrate said use with the uses in the surrounding area.

6. The proposed site is adequately served:

a. By highways or streets of sufficient width and capacity to carry the kind and quantity of traffic and to accommodate the parking demand such use would generate; and

b. By other public or private service facilities such as tire protection or trash collection services as are required.

C. Location.

1. No adult entertainment activity shall be located within, nor closer than one thousand (1,000) feet to, the boundary of any residential zone.

2. No adult entertainment activity shall be closer than three hundred (300) feet to any other adult entertainment activity except that this restriction shall not apply to any adult entertainment activity in an establishment devoted exclusively and on a full-time basis to such activity, which establishment was in existence on December 21, 1976 and operating under a valid city regulatory permit, where such a permit is required.

D. Discontinuance of Nonconforming Activities. See Section 17.114.090. (Prior planning code § 7017)

#### 17.102.190 Joint living and work quarters.

A. General Provisions. Joint living and work quarters are permitted in all zones where Residential Activities are permitted or conditionally permitted. In all zones where Residential Activities are not otherwise allowed by the applicable individual zone regulations, joint living and work quarters may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Definition. Joint living and work quarters means residential occupancy by not more than four persons, maintaining a common household of one or more rooms or floors in a building originally designed for industrial or commercial occupancy which includes: (1) cooking space and sanitary facilities which satisfy the provisions of other applicable codes; and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein.



~~In the S-16 Industrial-Residential-Transition-Combining Zone, joint living and work quarters may also be allowed in new construction.~~

C. Use Permit Criteria. A conditional use permit for joint living and work quarters may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure and to both of the following use permit criteria:

17.102.195 Residentially-Oriented Joint Living and Working Quarters.

A. Area of applicability. The provisions of Section 17.102.195 apply to the area bounded by Highway 980/Brush Street, the Estuary shoreline, the Lake Merritt/Estuary channel, the western shore of Lake Merritt, and 27th Street.

B. Definition. Residentially-Oriented Joint Living and Working Quarters means residential occupancy by one or more persons maintaining a common household of one or more rooms in a building originally designed for non-residential occupancy which includes cooking space and sanitary facilities which satisfy the provisions of other applicable municipal codes. A Residentially-Oriented Joint Living and Working Quarter consists of a designated residential area and a designated work area. However, the definitions applied by City Council Resolution Number 68518 C.M.S that apply to "Joint Live/Work Space" including criteria that define space requirements are not applicable to Residentially-Oriented Joint Living and Working Quarters.

C. Conditions for conversion.

1. In the area prescribed in Subsection (A), an existing building or portion of a building that was originally designed for non-residential occupancy can be converted to Residentially-Oriented Joint Living and Working Quarters as long as each of the following standards is met:

a. The total number of Residentially-Oriented Joint Living and Working Quarter units on the subject property after the conversion will not exceed the maximum number of residential units permitted by the underlying zone.

b. All existing on-site parking spaces are retained for use by the residents, unless existing on-site parking exceeds required parking for all activities on the lot, in which case the number of parking spaces shall not be reduced below the number of spaces prescribed in Chapter 17.116 for all activities on the lot.

c. All open space associated with the building is retained for use by the residents, unless existing open space exceeds the requirement for of the applicable zone or zones.

d. All existing ground-floor commercial space is retained for commercial activities.

2. New floor area may be created that is entirely within the existing building envelope; however, in no case shall the height, footprint, wall area, or other aspect of the exterior of the building proposed for conversion be expanded to accommodate Residentially-Oriented Joint Living and Working Quarters, except for dormers not exceeding the existing roof height and occupying no more than ten (10) percent (10%) of the roof area, and incremental appurtenances such as elevator shafts, skylights, rooftop gardens, or other facilities listed in Section 17.108.130.

3. If a project is located within the S-7 zone and involves exterior alterations, the design review requirements of that zone shall apply (see Sections 17.84.030 and 17.84.040).

4. In any zone, projects involving exterior alterations shall be subject to the design review procedure in Chapter 17.136.

D. Conditional use permit required in certain instances. In the area prescribed in Subsection A, a project that involves the conversion of an existing building or portion of a building that was originally designed for non-residential occupancy to Residentially-Oriented Joint Living and Working Quarters and does not meet one or more of the requirements of Subsection (C)(1) above may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. A conditional use permit may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in conditional use permit procedure in Chapter 17.134 and to any and all applicable additional use permit criteria set forth in the particular individual zone regulations.

E. Non-applicability of certain requirements pertaining to dwelling units. In the area prescribed in Subsection (A), the conversion to Residentially-Oriented Joint Living and Working Quarters of a

building or portion of a building that was originally designed for non-residential occupancy is not subject to the requirements for off-street parking in Section 17.116.020 (New Parking to Be Provided for New Living Units in Existing Facilities) and is not subject to the open space requirements for new residential dwelling units contained in the applicable zoning district or districts, but is subject to the requirements of subsection (C)(i) above for retention of existing parking and open space (Ord. 12456 § 3 (part), 2003)

17.102.210 Special regulations applying to Fast-Food Restaurants, Convenience Markets, ~~Fast-Food Restaurants~~, certain establishments selling alcoholic beverages, providing mechanical or electronic games, and Transport and Warehousing Storage of abandoned, dismantled or inoperable vehicles, machinery, equipment, and of construction, grading, and demolition materials and Scrap Operation.

A. Use Permit Criteria for Fast-Food Restaurants, Convenience Markets, ~~Fast-Food Restaurants~~, and Establishments Selling Alcoholic Beverages. A conditional use permit for any conditionally permitted Fast-Food Restaurant, Convenience Market, ~~Fast-Food Restaurant~~, or Alcoholic Beverage Sales Commercial Activity may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following additional use permit criteria:

1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable, with consideration to be given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;

2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;

3. That the proposal will not interfere with the movement of people along an important pedestrian street;

4. That the proposed development will be of an architectural and visual quality and character which harmonizes with, or where appropriate enhances, the surrounding area;

5. That the design will avoid unduly large or obtrusive Signs, bleak unlandscaped parking areas, and an overall garish impression

6. That adequate litter receptacles will be provided where appropriate;

7. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of ten (10) p.m. and seven (7) a.m. The same criteria shall apply to all conditional use permits required by subsection B of this section for sale of alcoholic beverages at full-service restaurants.

8. That proposals for new Fast-Food Restaurants must substantially comply with the provisions of the Oakland City Planning Commission "Fast-Food Restaurant--Guidelines for Development and Evaluation" (OCPD 100-18).

B. Special Restrictions on Establishments Selling Alcoholic Beverages.

1. No Alcoholic Beverage Sales Commercial Activity shall be located closer than one thousand (1,000) feet to any other Alcoholic Beverage Sales Commercial Activity, except:

a. On-sale retail licenses located in the Central District (defined for the purposes of this Chapter) as within the boundaries of I-980 and Brush street to the west; both sides of 27th Street to the north; Harrison Street/Lake Merritt and the Lake Merritt Channel to the east; and the Estuary to the south); or

b. Off-sale retail licenses located in the Jack London Square-district ((defined for the purposes of this Chapter as within the boundaries of Martin Luther King Jr. Way to the west; I-880 to the north; the Lake Merritt Channel to the east; and the Estuary to the south); or

c. If the activity is in conjunction with a Full-Service Restaurant; or

d. Establishments with twenty-five (25) or more full time equivalent (FTE) employees and a total floor area of twenty thousand (20,000) square feet or more.

2. ~~Sale of a~~Alcoholic ~~bBeverages~~ Sales-Activities-in conjunction with a Full Service Restaurant and located within any of the following areas applied to a depth of two hundred (200) feet on each side of the identified streets and portions of streets, as measured perpendicularly from the right-of-way line thereof: ~~International Boulevard~~E-14th Street; Foothill Boulevard; MacArthur Boulevard and ~~West~~ MacArthur Boulevard; that portion of San Pablo Avenue lying between Highway 1-980 and 1-580; that portion of Edes Avenue lying between Clara Street and Bergedo Drive, shall require a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

3. In addition to the criteria prescribed elsewhere in the zoning regulations, a land use permit for an Alcoholic Beverage Sales Commercial Activity located within an Alcoholic Beverage Sales license overconcentrated area shall only be granted, and a finding of Public Convenience or Necessity made, only if the proposal conforms to all of the following three criteria:

a. That a community need for the project is clearly demonstrated. To demonstrate community need, the applicant shall document in writing, specifically how the project would serve an unmet or underserved need or population within the overall Oakland community or the community in which the project is located, and how the proposed project would enhance physical accessibility to needed goods or services that the project would provide, including, but not limited to alcohol; and

b. That the overall project will have a positive influence on the quality of life for the community in which it is located, providing economic benefits that outweigh anticipated negative impacts, and that will not result in a significant increase in calls for police service; and

c. That alcohol sales are typically a part of this type of business in the City of Oakland (for example and not by way of limitation, alcohol sales in a laundromat would not meet this criteria).

4. In addition to the above criteria, projects outside the Central Business-District and Hegenberger Corridor shall meet all of the following criteria to make a finding of Public Convenience or Necessity, with the exception of those projects that will result in twenty-five (25) or more full time equivalent (FTE) employees and will result in a total floor area of twenty thousand (20,000) square feet or more:-

a. The proposed project is not within one thousand (1,000) feet of another alcohol outlet (except full service restaurants), school, licensed day care center, public park or playground, churches, senior citizen facilities, and licensed alcohol or drug treatment facilities; and

b. Police department calls for service within the "beat" where the project is located do not exceed by twenty ~~(20)~~-percent (20%), the average of calls for police service in police beats citywide during the preceding twelve (12) months.

C. Special Restrictions on Provision of Mechanical or Electronic Games in Certain Cases. The following regulations shall apply to the provision of pinball machines, video game devices, or other mechanical or electronic games, as defined in the Oakland Municipal Code, within any kind of place of business where the games can be played or operated by the public or by customers; provided, however, that these regulations shall not apply to the provision of a total of fewer than three mechanical or electronic games in any single place of business, except where the games provide the main or primary source of income for the proprietor; and further provided that these regulations shall not apply to the provision of any number of such games in any pool or billiard room or bowling alley for which a permit is required pursuant to Chapter 5.02 of the Oakland Mmunicipal Ceode and from which persons under eighteen (18) are bared at all times by the owner or operator, nor in any premises which are licensed by the State Department of Alcoholic Beverage Control for on-sale consumption of alcoholic beverages and which do not lawfully allow minors:-

~~1. It shall not be located in any residential zone nor in the M-10, S-1, S-2, or S-3 zone.~~

~~2. It is not permitted except upon the granting of a conditional use permit in any commercial zone other than the C-60 zone.~~

~~31. It shall not be located neither:-~~

~~a. wWithin three hundred (300) feet from any lot in a residential zone; oner~~

—b.— W within one thousand (1,000) feet from the nearest regular entrance to or exit from any public playground or public, parochial, or private elementary, junior high, or high school.

These distances shall be measured horizontally in the most direct pedestrian route along or across any street or streets, alleys, or paths, or private ways described in Section 17.106.020, leading to the closest regular entrance to the actual space devoted to said games.

D. Special Restrictions Applying to Fast-Food Restaurants.

1. No Fast-Food Restaurant Commercial Activity shall be located within a one thousand (1,000) foot radius of an existing or approved Fast-Food Restaurant, as measured from the center of the front property line of the proposed site, except in the Central Business District (defined for the purposes of this Chapter as within the boundaries of I-980 and Brush Street to the west; both sides of 27th Street to the North; Harrison Street/Lake Merritt and the Lake Merritt Channel to the east; and the Estuary to the south), within the main building of Shopping Center Facilities, and in the C-36-boulevard-service commercial-zone CR-1 Regional Commercial zone.

2. Fast-Food Restaurants with Drive-Through Facilities shall not be located within five hundred (500) feet of a public or private elementary school, park, or playground, measured perpendicularly from the street right-of-way.

3. Access. Ingress and egress to Fast-Food Facilities shall be limited to commercial arterial streets rather than residential streets. No direct access shall be provided to adjacent residential streets which are less than thirty-two (32) feet in pavement width. Exceptions to either of the requirements may be obtained where the City Traffic Engineer determines that compliance would deteriorate local circulation or jeopardize the public safety. Any such determination shall be stated in writing and shall be supported with findings. Driveway locations and widths and entrances and exits to Fast-Food Facilities shall be subject to the approval of the City Traffic Engineer.

4. Trash and Litter. Disposable containers, wrappers and napkins utilized by Fast-Food Restaurants shall be imprinted with the restaurant name or logo.

5. Vacated/Abandoned Fast-Food Facilities. The project sponsor of a proposed Fast-Food Facility shall be required to obtain a performance bond, or other security acceptable to the City Attorney, to cover the cost of securing and maintaining the facility and site if it is abandoned or vacated within a prescribed high-risk period. As used in this code, the words “abandoned” or “vacated” shall mean a facility that has not been operational for a period of thirty (30) consecutive days, except where nonoperation is the result of maintenance or renovation activity pursuant to valid city permits. The defined period of coverage is four (4) years following the obtaining of an occupancy permit. The bond may be renewed annually, and proof of renewal shall be forwarded to the Director of City Planning. The bond amount shall be determined by the city’s Risk Manager and shall be adequate to defray expenses associated with the requirements outlined below. Monitoring and enforcement of the requirements set forth in this section shall be the responsibility of the Building Official, Housing-Manager-of-the Department-of-Housing-Conservation, pursuant to Chapter 8.24 of the Oakland Municipal Code and those sections of the Oakland Housing-Building Code which are applicable.

If a Fast-Food Facility has been vacated or abandoned for more than thirty (30) consecutive days, the project sponsor shall be required to comply with the following requirements, pursuant to the relevant cited city, county and state codes:

- a. Enclose the property with a security fence and secure the facility;
- b. Post signs indicating that vehicular parking and storage are prohibited on the site (10.16.070 O.T.C. and 22658 C.V.C), and that violators will be cited, and vehicles towed at the owner’s expense, and that it is unlawful to litter or dump waste on the site (Sections 374b.5 C.P.C. and 374b C.P.C.). All signs shall conform to the limitations on signs for the specific zone and shall be weatherproof and of appropriate size and standard design for the particular function;
- c. Install and maintain security lighting as appropriate and required by the Oakland Police Department;
- d. Keep the site free of handbills, posters and graffiti and clear of litter and debris pursuant to Section 8.38.160 of the O.M.C.;

e. Maintain existing landscaping and keep the site free of overgrown vegetation.

E. Special Restrictions on Transport and Warehousing storage of abandoned, dismantled or inoperable vehicles, machinery, equipment and of construction, grading and demolition materials, and Scrap Operation (these provisions would not apply to the storage or parking of operable recreational vehicles, operable automobiles, public parking facilities, or parking for active establishments, e.g., auto dealerships). (Ord. 12241 § 3 (part), 2000; Ord. 12224 § 5, 2000; Ord. 11958 § 9, 1996; amended during 1997 codification; Ord. 11831 §§ 3, 4, 1995; prior planning code § 7023)

17.102.230 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity--Nonresidential zones.

A. Conditional Use Permit Requirement. The demolition of a facility containing, or intended to contain, rooming units, or the conversion of a living unit from its present or last previous use by a Permanent Residential Activity, a Semi-Transient Residential Activity, or a Transient Habitation Commercial Activity to its use by a nonresidential activity other than Transient Habitation Commercial is only permitted in a nonresidential zone upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. The only exceptions to this requirement are conversions in the ~~HBX-1, HBX-2 or HBX-3~~ zones, and units in a One-Family or Two-Family Residential Facility. Such permit may be granted only upon determination that the proposed demolition or conversion conforms to the general use permit criteria set forth in the conditional use permit procedure and to at least one of the following additional use permit criteria:

1. That the facility proposed for demolition or the living unit proposed for conversion is unoccupied and is, or is situated in, a residential building that has been found, determined, and declared to be substandard or unsafe pursuant to Section 15.08.350(B) of the Oakland Housing-Municipal Code; or

2. That a replacement rental unit, comparable in affordability and type to each unit proposed for demolition or conversion, will be added to the city's housing supply prior to the proposed demolition or conversion taking place; or

3. That the benefits to the city resulting from the proposed demolition or conversion will outweigh the loss of a unit from the city's housing supply; or

4. That the conversion will be an integral part of a rehabilitation project involving both residential and nonresidential activities, and that the rehabilitation project would not be economically feasible unless some nonresidential activity were permitted within it.

B. Tenant Assistance. Upon the granting of a conditional use permit for the demolition of a facility containing rooming units or for the conversion of a living unit to a nonresidential activity, the actual demolition or conversion cannot take place until the following have occurred:

1. If a dwelling unit is to be converted, the tenant has been given a one hundred twenty (120) day written notice of the conversion. If a rooming unit is to be demolished or converted, the tenant, if a permanent tenant, has been given a seventy-five (75) day written notice of the demolition or conversion. All such written notices shall comply with the legal requirements for service by mail.

2. If a dwelling unit is to be converted, the tenant has been provided with a relocation allowance equal to one month's rent or five hundred dollars (\$500.00), whichever is greater. If a rooming unit is to be demolished or converted, the owner of the building containing the unit to be demolished or converted has referred the tenant (if a permanent tenant) to a comparable, available unit; if a comparable unit is not available, the permanent tenant has been provided with a relocation allowance equal to one month's rent or five hundred dollars (\$500.00), whichever is greater.

3. The Director of City Planning has been provided with proof that the above actions have been taken.

(As used in this section, a permanent tenant of a rooming unit is defined as a tenant maintaining occupancy for six (6) months or more at a hotel or motel where the innkeeper does not retain a right of access and control of the unit and where the hotel or motel does not provide or offer all of the following

services to all of the residents: safe deposit boxes for personal property; central telephone service; central dining; maid, mail, room, and recreational service; and occupancy for periods of less than seven (7) days.) (Amended during 1997 codification; prior planning code § 7026)

**17.102.240 Special regulations applying to microwave dishes in or near residential zones.**

The following regulations shall apply to microwave dishes which are over one (1) meter in diameter, which are located in any residential zone or within one hundred fifty (150) feet from the nearest boundary of any residential zone, as measured perpendicularly from said boundary at any point:

A. **Height.** No such facility which is on a building shall extend more than seven (7) feet above the building's actual roof line or parapet wall except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. No such facility which is freestanding shall extend more than seven (7) feet above finished grade except upon the granting of a conditional use permit.

B. **Distance from Lot Line in Certain Cases.** No such facility shall be located within ten feet from any abutting residentially zoned lot, or from any street, alley, or path or private way described in Section 17.106.020 directly across which there is a lot in any residential zone, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure.

C. **Glare.** All such facilities shall be placed, screened, or designed in such a way as to avoid casting objectionable glare into the windows of any residentially zoned lot located within one hundred fifty (150) feet.

D. **Use Permit Criteria.** A conditional use permit under this section may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the applicable additional use permit criteria set forth below:

1. That in all cases, the proposed facility will not be unduly large or obtrusive for its surroundings;

2. That if the facility is to be located on a building, its supporting structure will be so screened, painted, formed of attractive materials, or otherwise designed that the facility will harmonize with the building's overall color and design;

3. That if the facility is to be freestanding, it will be so placed, screened, or designed that it will be visually compatible with the nearby residentially zoned uses. (Prior planning code § 7028)

**17.102.250 Maximum density and floor-area ratio during construction.**

Whenever a new Residential Facility is constructed on any lot upon which there presently exists a Residential Facility, and such existing facility is retained and occupied temporarily pending completion of the new residential structure, the maximum density and floor-area ratio prescribed for such lot shall be computed upon the basis of the new facility only. However, such existing facility shall be vacated and demolished or removed within one (1) year after commencement of construction of the new facility unless the existing and new facility together shall conform to said maximum density and floor-area ratio requirements. (Prior planning code § 7030)

**17.102.260 Occupancy of a dwelling unit.**

A Residential Facility, or portion thereof, shall be deemed to constitute a single dwelling unit only if it is occupied by a single-family or, where the facility occupied is a One-Family Dwelling, such family and not more than three (3) boarders, roomers, or lodgers where access to all rooms occupied by such boarders, roomers, or lodgers is had through the main entrance of the dwelling unit. (Ord. 12138 § 4 (part), 1999; prior planning code § 7031)

**17.102.265 Occupancy of a One-Family Dwelling Residential Facility by a Residential Care Residential Activity.**

A Residential Care Residential Activity shall be deemed to occupy a One-Family Dwelling Residential Facility if it operates as a single housekeeping unit, as defined in Sec. 17.09.040, and the facility meets all of the characteristics of a One-Family Dwelling Residential Facility as defined in Section 17.10.640. (Ord. 12138 § 4 (part), 1999)

**17.102.270** An additional kitchen for a single dwelling unit.

An additional kitchen for a single dwelling unit in any Residential Facility may be permitted, without thereby creating an additional dwelling unit, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, and upon determination that all of the following conditions set forth below exist:

A. That the additional kitchen shall be located within the same residential structure as the existing kitchen and solely constitute an additional service facility for the resident household, family or its temporary guests,

B. That the additional kitchen shall not serve as a basis for permanent habitation of an extra household or family on the premises, or the creation of an additional dwelling unit on the premises.

C. That the additional kitchen is necessary to render habitable a living area occupied by one or more persons related by blood, marriage, or adoption to the resident family or collective household occupying the main portion of the dwelling unit.

However, a conditional use permit under this subsection shall not be granted in ~~the the-R-1, R-10, R-20, and R-30 zone~~ RH zones or the RD-1 zone if the lot contains two (2) or more dwelling units. (Ord. 12272 § 4 (part), 2000; prior planning code § 7032)

**17.102.280** Rules for determining the number of habitable rooms in Residential Facilities.

The total number of habitable rooms in a Residential Facility shall be determined by adding together all rooms in all dwelling units in the facility, in accordance with the rules of subsections A through F of this section. In a case where application of these rules results in more than one possible interpretation of the total number of rooms, or where these rules appear to contradict each other, the interpretation resulting in the greatest number of rooms shall be used. For purposes of this section, a "kitchen" shall be deemed to include the floor area within three (3) feet directly in front of all kitchen counters, cabinets, major appliances, and other fixtures.

A. Except as specified in subsections B through F of this section, a space which meets the definition of "habitable room" at Section 17.09.040, which is entirely enclosed by floor to ceiling partitions, and which is connected to other rooms or spaces by doorways or open archways shall count as one room.

B. A habitable room of less than fifty (50) square feet shall count as half a room.

C. A habitable room larger than four hundred (400) square feet shall count as one room for each four hundred (400) square feet or fraction thereof.

D. Spaces which are not separated by floor to ceiling partitions but whose floor levels differ by more than one foot and which are intended to be used for different functions shall count as separate rooms.

E. A kitchen area of at least fifty (50) square feet which is not entirely enclosed by floor to ceiling partitions shall count as a separate room.

F. A kitchen area of less than fifty (50) square feet whose floor perimeter is at least fifty (50) percent (50%) enclosed by any combination of partitions, counters, cabinets, major appliances, and other similar space dividers shall count as half a room; if not so enclosed, it shall not count as a separate room. (Prior planning code § 7033)

**17.102.310** Special regulations for certain projects with development agreements.

Any person having a legal or equitable interest in the real property involved may, upon approval pursuant to the development agreement procedure in Chapter 17.138, enter into a development agreement with the city for any specific development project which involves a total of at least four (4) acres of land

area or five hundred thousand (500,000) square feet of floor area and is a project intended to be developed in stages, or which involves land sold or leased by the Redevelopment Agency of the city and is to be carried out by agreement with the Redevelopment Agency. The development agreement shall not be approved unless the project has received, or simultaneously receives, whatever major conditional use permit, preliminary planned unit development plan approval, and major variance it may otherwise require. For the duration of the particular agreement, and unless otherwise provided in the terms thereof, there shall be a contractual guarantee that the project covered by the agreement may be pursued under the applicable procedural criteria, if any, and other zoning regulations, and plans or other documents referred to by any such criteria, as they existed when the agreement was approved and notwithstanding any subsequent changes in said zoning regulations or documents. However, the agreement may also subject the proposal to special conditions to benefit or protect the city for entering into the development agreement. The conditions may include, but are not limited to, supplemental restrictions on kinds of uses, floor-area ratio, or density; special conditions or criteria for required subsequent zoning approvals, if any; and requirements for the reservation, dedication, or improvement of land for public purposes or accessible to the public. (Prior planning code § 7037)

**17.102.320 Conditional use permit for waiver of certain requirements in mini-lot developments.**

A. **Basic Provisions.** Subject to the provisions of subsections B and C of this section, the maximum height and minimum yard, lot area, width, and frontage requirements otherwise applying to individual lots may be waived or modified within a mini-lot development, and floor area, parking, and other facilities may be located within said development without reference to lot lines, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination:

1. That there is adequate provision for maintenance of the open space and other facilities within the development; and
2. That the total development meets all the requirements that would apply to it if it were a single lot.

B. **Zones in Which Requirements May Be Waived.** A conditional use permit pursuant to subsection A of this section may be granted only in the S-1 or S-2 zone or in any residential or commercial zone other than ~~R-1, R-10, R-20, and R-30RH zones or the RD-1 zone.~~

C. **Maximum Size for Which Requirements May Be Waived.** A conditional use permit pursuant to subsection A of this section may be granted only if the total land area of the mini-lot development is less than sixty thousand (60,000) square feet. (Ord. 12272 § 4 (part), 2000; prior planning code § 7038)

**17.102.360 Secondary Units.**

A. **Development Standards.** The following regulations shall apply to the construction, establishment, or alteration of Secondary Units wherever permitted or conditionally permitted, as specified in each individual zone:

1. **Other Uses on Property.** A Secondary Unit shall only be permitted on a lot that contains only one other primary dwelling unit. A Secondary Unit may be approved and constructed at the same time or after the approval and construction of the primary dwelling unit.

2. **Sale of Unit.** A Secondary Unit shall not be sold separately from the primary dwelling on the same lot.

3. **Owner Occupancy.** The legal owner shall occupy either the primary dwelling or the Secondary Unit. Prior to issuance of a building permit for a Secondary Unit, the applicant shall record as a deed restriction in the Alameda County Recorder's Office, notice of this requirement, in a form prescribed by the Director of City Planning.

4. **Maximum Permitted Floor Area.** The floor area of a Secondary Unit shall not exceed nine hundred (900) square feet or fifty (50)-percent (50%) of the floor area of the primary dwelling, whichever is less, except that Secondary Units of up to five hundred (500) square feet in floor area are permitted regardless of the size of the primary dwelling.



5. **Fire Flow and Water Pressure.** A Secondary Unit may be permitted only if the fire flow and water pressure in the adjoining street meets the minimum requirements as determined by the Fire Marshal.

6. **Emergency Access -- multiple vehicular outlets.** A Secondary Unit may be permitted only on a lot which has frontage on a through street, or a dead-end street that has a total length of less than three hundred (300) feet. For the purposes of this subsection, the total length of a dead-end street shall be the distance from the intersection with the nearest through street to the farthest opposite end of the street right-of-way, or private access easement (as defined by Section 16.32.010 of the Oakland Municipal Code) if the private access easement is connected to said dead-end street.

7. **Emergency Access -- minimum pavement width.** A Secondary Unit may be permitted only if all streets connecting the lot to the nearest arterial street (as designated by the City of Oakland General Plan Land Use and Transportation Element) have a minimum pavement width of at least twenty-four (24) feet. The minimum pavement width limitation may be reduced to a minimum of twenty (20) feet, upon the granting of a conditional use permit, pursuant to the criteria in subsection B of this section, and the conditional use permit procedure in Chapter 17.134.

8. **Public Sanitary Sewer.** A Secondary Unit may be permitted only if it is served by a public sanitary sewer.

9. **Architectural Compatibility.** The Secondary Unit shall be clearly subordinate to the primary dwelling unit in size and location. Also, the architectural design and materials of a Secondary Unit shall match or be visually compatible with that of the primary dwelling, including the architectural style, siding material, roof shape, roofing material, trim material and design, window types, window trim, and window sill detail.

10. **Compliance with Building and Fire Codes.** All Secondary Units shall comply with all other code and permit requirements imposed by all other affected departments, including but not limited to fire separation, sound separation, egress, utility access, and the requirement for a building permit.

11. **Review procedure.** An application for a Secondary Unit of up to five hundred (500) square feet shall be granted ministerial approval as specified in Section 17.136.025 upon confirmation of compliance with all applicable zoning regulations, including but not limited to, all provisions in this Section. The five hundred (500) square-foot floor area threshold for a Secondary Unit may only be exceeded, up to a maximum of nine hundred (900) square feet or fifty (50)-percent (50%) of the floor area of the primary dwelling, whichever is less, upon the granting of small project design review, pursuant to the small project design review procedure in Section 17.136.030.

B. **Use permit criteria for Secondary Units accessed via narrow streets.** A conditional use permit for a Secondary Unit accessed from the nearest arterial street via a street with a minimum pavement width of between twenty (20) and twenty-four (24) feet may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the general use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

1. That there is adequate emergency access to the lot as determined by the Fire Marshall.  
2. That the portions of the street that have a pavement width of less than twenty-four (24) feet are not located on a dead-end street.

3. That if on-street parking is permitted on portions of the street that have a pavement width of less than twenty-four (24) feet, that there exist a level and hard surface shoulders with a combined additional width of at least eight (8) feet.

4. That if on-street parking is prohibited on portions of the street that have a pavement width of less than twenty-four (24) feet, that the restricted parking areas are clearly marked with official city installed no-parking signs and/or red curbs, pursuant to the provisions of the Oakland Traffic Code (Title 10 of the Oakland Municipal Code).

(Ord. 12555 § 5, 2003; Ord. 12501 § 73, 2003; Ord. 12199 § 7, 2000)

17.102.380 **Special regulations applying to truck-related activities in the West Oakland Community Development District.**

A. **Use Permit Required.** No Truck and Truck-related activity as described in Sections 17.10.470, 17.10.480, 17.10.490, and 17.10.500 shall be established or expanded in the West Oakland Community Development District except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. "West Oakland Community Development District" is defined to include all areas between Interstate 980 to the east, 3rd Street to the south, Interstate 880 to the west, Brush-Street-to-the-east-and Interstate 580 to the north.

C. The term "Truck" shall be defined as a "Commercial Vehicle" having a "Manufacturer's Gross Vehicle Weight Rating" exceeding ten thousand (10,000) pounds or a "Trailer," as those terms are defined in the California Vehicle Code.

(Ord. 12289 § 4 (part), 2000)

**17.102.400 Special design requirements for lots that contain Residential Facilities and no Nonresidential Facilities.**

The provisions of this section apply to lots containing Residential Facilities and no Nonresidential Facilities.

A. **Limitations on Paving in Street-Fronting Yards.** Paved surfaces within required street-fronting yards, and any unimproved rights-of-way of adjacent streets, shall be limited to the following:

1. All lots other than corner lots: fifty-(50) percent (50%) maximum paved surface;
2. Corner lots: thirty (30)-percent (30%) maximum paved surface.

Exceptions: The maximum percentages of paved surfaces specified in this subsection A may be exceeded within unimproved rights-of-way in the following cases upon issuance of a private construction of public improvements (P-job) permit or if undertaken directly by the city or by a private contractor under contract to the city:

- a. Roadway construction or widening;
- b. Sidewalk construction or widening; and
- c. Any work pursuant to an approved final map, parcel map or final development plan pursuant to a planned unit development permit.

For purposes of this subsection A, an unimproved right of way is the portion of a street or alley right-of-way that is not paved.

B. **Screening of Utility Meters.** All utility meters shall either be located within a box set within a building, located on a non-street facing elevation, or screened with vegetation.

C. **Screening of Trash Containers.** All trash containers shall be located in a storage area that is screened from the street and adjacent properties by a wall, fence, or dense landscaping with a minimum height of four (4) feet.

D. **Restrictions on exterior security bars and related devices.** Exterior security bars and grills are not permitted on windows, doors, or porch enclosures that are located on a street-facing elevation of primary Residential Facilities unless the Director of City Planning determines that the proposed bars or grills are consistent with the architectural style of the building. Removal of such bars or grills shall be a condition of the granting of all conditional use permits, variances, design reviews and other special zoning approvals involving changes to the elevation on which the bars or grills are located unless the bars or grills have been shown to be architecturally consistent with the architectural style of the building.

E. **Retaining Walls.**

1. No retaining wall shall exceed six (6) feet in height, except in the following cases:

a. Retaining walls flanking driveways that are nineteen (19) feet or less in width on lots with a street-to-setback gradient of twenty (20)-percent (20%) or more may exceed six (6) feet in height if both of the following provisions are met:

- i. The garage floor is at the highest possible elevation based on the maximum driveway slopes permitted by Section 17.116.260A; and
- ii. The top of the retaining wall is no higher than necessary to retain the existing grade at the top of the wall.

b. Retaining walls not flanking driveways may also exceed six (6) feet in height upon the granting of small project design review, pursuant to the small project design review procedure in Section 17.136.030 and if both of the following provisos are met:

1. The top of the retaining wall is no higher than necessary to retain the existing grade at the top of the wall, and

ii. The retaining wall is located behind buildings, other permanent structures, or existing grade in such a manner as to visually screen the wall from adjacent lots, and from the street, alley, or private way providing access to the subject lot. Whenever buildings or other permanent structures on the subject lot block most, but not all, visibility of the retaining wall, dense landscaping shall be installed and maintained to screen the remaining views of the wall from adjacent lots, and from the street, alley, or private way providing access to the subject lot.

2. Multiple retaining walls shall be separated by a distance of at least four (4) feet between the exposed faces of each wall.

3. Retaining walls visible from the street or adjacent lots shall be surfaced with a decorative material, treatment or finish, such as stained or stuccoed concrete, decorative concrete block, wood, stone or masonry, or other decorative material, treatment or finish approved by the Director of City Planning. For purposes of this section, "visible from the street or adjacent lots" refers to any portion of a wall that is not located behind buildings, other permanent structures, or existing grade in such a manner as to visually screen the wall from adjacent lots, and from the street, alley, or private way providing access to the subject lot. (Ord. 12533 § 3 (part), 2003; Ord. 12406 (part), 2002; Ord. 12376 (part), 2001)

## Chapter 17.104

### GENERAL LIMITATIONS ON SIGNS

#### 17.104.010 General limitations on Signs in residential and OS zones.

The following limitations shall apply to the specified Signs in all residential and OS zones, except as otherwise provided herein, and are in addition to the limitations, if any, prescribed for Signs in the applicable individual zone regulations and development control maps:

A. **Maximum Height.** No Sign shall exceed the maximum height, if any, applicable to facilities in general where it is located, except as otherwise provided in Sections 17.108.020A and 17.108.030; and no Sign shall exceed such applicable maximum heights as are prescribed hereafter in this section.

B. **Residential Signs.** No single Residential Sign shall have a display surface greater than one (1) square foot on any one face, except that one Residential Sign on each lot, other than a Sign identifying a home occupation, may have a display surface of not more than six (6) square feet on any one face if the lot contains Residential Facilities with a total of three or more living units. No Residential Sign which is attached to a building shall have a display surface greater than one (1) square foot on any one face, unless it is flat against a wall of the building and does not project outward therefrom more than eighteen (18) inches nor at all above the roof or parapet wall of the building. No Residential Sign which is not attached to a building and which has a display surface greater than one (1) square foot on any one face shall extend more than six (6) feet above finished grade, nor be located within five (5) feet from any lot line. All Residential Signs shall be nonmoving. Illumination, if any, of all such Signs shall be indirect and nonflashing. Such Signs shall not, except for Signs with a display surface not greater than one (1) square foot on any one face, include any pennants, streamers, propellers, or similar devices. (See also Section 17.112.040D.)

C. **Special Signs.** Special Signs shall be limited to the area of display surface, number, location, and height and kind of mobility, illumination, and material that are customary and necessary to the purposes they serve.

D. **Development Signs.** The maximum aggregate area of display surface of all Development Signs shall be either seventy-five (75) square feet on any one lot or, in the case of a real estate subdivision, seventy-five (75) square feet for each tract of two or more lots which are separated from each other only by a street or other right-of-way; and all Development Signs shall be located on the lot or tract referred to thereon and shall be permitted only for a one-year period. However, a greater area of display surface, an off-site location, or a longer time period may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. No Development Sign which is attached to a building shall extend above the roof or parapet wall thereof. No Development Sign which is not attached to a building shall extend more than twenty-four (24) feet above finished grade, nor be located within five feet from any lot line of an abutting lot. All Development Signs shall be nonmoving. Illumination, if any, of all such Signs shall be indirect and nonflashing. Such Signs shall not, except when attached to a building, include any pennants, streamers, propellers, or similar devices.

E. **Realty Signs.** The maximum aggregate area of display surface of all Realty Signs on any one lot shall be six square feet. All Realty Signs shall be located on the same lot as the facilities advertised thereon, and shall be removed within seven (7) days after occupancy, or change of occupancy, of the facilities. No Realty Sign which is attached to a building shall extend above the roof or parapet wall thereof. No Realty Sign which is not attached to a building shall extend more than six feet above finished grade, nor be located within five feet from any lot line of an abutting lot. All Realty Signs shall be nonmoving. Illumination, if any, of all such Signs shall be indirect and nonflashing. Such Signs shall not, except when attached to a building, include any pennants, streamers, propellers, or similar devices.

F. **Civic Signs.** No single Civic Sign shall have a display surface greater than one square foot on any one face, except that two Civic Signs on each lot or, in the case of a lot with a lot area of more than twenty thousand (20,000) square feet, two Civic Signs for each twenty thousand (20,000) square feet of

lot area may have a greater display surface. The maximum total area of display surface of any two such larger Signs shall be thirty (30) square feet. No Civic Sign which is attached to a building shall have a display surface greater than one square foot on any one face, unless it is flat against a wall of the building and does not project outward more than eighteen (18) inches therefrom nor at all above the roof or parapet wall of the building. No Civic Sign which is not attached to a building and which has a display surface greater than one square foot on any one face shall extend more than twelve (12) feet above finished grade, nor be located within five feet from any lot line. All Civic Signs shall be nonmoving. Illumination, if any, of all such Signs shall be indirect and nonflashing. Such Signs shall not, except for Signs with a display surface not greater than one square foot on any one face, include any pennants, streamers, propellers, or similar devices.

**G. Business Signs.**

1. Business Signs serving Commercial Activities, other than Signs regulated by Section 17.104.010(G)(3) and those regulated by Section 17.11.090, shall be limited to two Signs, with a maximum aggregate area of display surface of fifteen (15) square feet, for each commercial establishment. All such Signs shall be located flat against a wall of the first story of a building, and no such Sign shall project outward more than eighteen (18) inches from such wall nor any distance above the roof or parapet wall of the building. All such Signs shall be nonmoving. Illumination, if any, of all such Signs shall be indirect and nonflashing. Such Signs shall not, except in the case of Signs behind a display window, include any pennants, streamers, propellers, or similar devices.

2. No single Business Sign serving Agricultural or Extractive Activities shall have a display surface greater than one square foot on any one face, except that one such Sign on each lot may have a display surface of not more than six square feet on any one face. All Business Signs which serve such activities, which are attached to a building, and which have a display surface greater than one square foot on any one face shall be located flat against a wall of the first story of the building, and no such Sign shall project outward more than eighteen (18) inches from such wall nor any distance above the roof or parapet wall of the building. No Business Sign which serves such activities, which is not attached to a building, and which has a display surface greater than one square foot on any one face shall extend more than six feet above finished grade, nor be located within five feet from any lot line. All Business Signs serving such activities shall be nonmoving. Illumination, if any, of all such Signs shall be indirect and nonflashing. Such Signs shall not, except in the case of Signs behind a display window, include any pennants, streamers, propellers, or similar devices.

3. The maximum aggregate area of display surface of Business Signs serving off-street parking which is subject to the conditions set forth in Section 17.102.100(B) shall be twelve (12) square feet for each vehicular entrance or exit. No such Sign shall extend more than six feet above finished grade, nor be located within five feet from any lot line. All such Signs shall be nonmoving. Illumination, if any, of all such Signs shall be indirect and nonflashing. Such Signs shall not include any pennants, streamers, propellers, or similar devices.

**H. Signs Within One Thousand (1,000) Feet of Rapid Transit Routes.** Signs within one thousand (1,000) feet of the centerline of rapid transit routes shall be subject to the applicable limitations set forth in Sections 17.104.040 and 17.114.150. (Ord. 12350 § 3 (part), 2001; Ord. 12078 § 5 (part), 1998; prior planning code § 7040)

**17.104.020 General limitations on signs--Commercial and industrial zones.**

The following limitations shall apply to the specified signs in all commercial and industrial zones, except as otherwise provided herein, and are in addition to the limitations, if any, prescribed for signs in the applicable individual zone regulations and development control maps:

**A. Design Review.** No business, civic, or residential sign shall be constructed or established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.

**B. Permitted Aggregate Sign Area.**

1. In all commercial zones, the maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be one square foot for each one foot of lot frontage in the case of an interior lot, or 0.5 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed two hundred (200) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B(3) below and to the small project design review procedure in Chapter 17.136.

2. In all industrial zones, the maximum aggregate area of display surface of all business, civic and residential signs on any one lot shall be one square foot for each one foot of lot frontage in the case of an interior lot, or 0.5 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed three hundred (300) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B(3) below and the small project design review procedure in Chapter 17.136.

3. Exception to Aggregate Sign Area Limits. In addition to the exception to aggregate sign limits that may be allowed upon granting of a Master Sign Program as specified in Section 17.104.070, in cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex, the following other exception to the maximum aggregate sign area, exclusive from any Master Sign Program exceptions, may be approved pursuant to the small project design review procedure in Chapter 17.136, in cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex:

a. Twenty (20) square feet of sign area for each tenant space in the multi-tenant building or complex without existing signage on site.

C. **Maximum Height.**

1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.

2. Freestanding Signs. The maximum height of any -freestanding sign in the C-30, C-35, C-40, CC, M-20, M-30, and M-40, CIX-1, CIX-2, IG, and IO zones is twenty (20) feet. The maximum height in all other Commercial and Industrial zones is ten (10) feet.

D. **Limitations on Signs within Required Minimum Yards.**

1. No business, realty, or development sign shall be located within a required minimum yard.. E.

**Special Limitations near Boundaries of Residential Zones.** (See illustration I-10.) The following special limitations shall apply to the indicated signs within the specified distances from any boundary of a residential zone. For the purposes of this subsection, a Sign shall be deemed to face a zone boundary if the angle between the face of its display surface and said boundary is less than ninety (90) degrees; and a sign shall be considered visible from a zone boundary if it may be seen from any point located along such boundary within the following indicated distances from the sign and at a height equal to or less than that of the sign.

1. Within twenty-five (25) feet from any boundary of a residential zone, no business sign shall face said boundary if it is visible therefrom.

F. **Development Signs.** In all commercial and industrial zones, ~~except the M-30 and M-40 zones, C-60,~~ the maximum aggregate area of display surface of all development signs on any one lot shall be either seventy-five (75) square feet or one square foot for each two feet of street line abutting the lot, whichever is greater. However, a greater area of display surface may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

G. **Realty Signs.** In all commercial and industrial zones, ~~except the M-30 and M-40 zones,~~ the maximum aggregate area of display surface of all Realty Signs on any one lot shall be one square foot for each two feet of street line abutting the lot; provided that such area shall not exceed twenty-five (25) square feet along any consecutive fifty (50) feet of street line; and farther provided that a sign with a

display surface of twelve (12) square feet or less shall be permitted for each lot, or for each building or other rentable unit thereon.

H. **Signs Within One thousand (1,000) Feet of Rapid Transit Routes.** Signs within one thousand (1,000) feet of the centerline of rapid transit routes shall be subject to the applicable limitations set forth in Sections 17.104.040 and 17.114.150.

I. **Permitted Projection over Sidewalk.** An awning, canopy, marquee, or single sign that is attached perpendicularly to the face of a building may project up to two-thirds (66.7%) of the distance from the lot line to the curb, but can not extend more than seven (7) feet from the face of building or closer than two (2) feet to the curb. Any awning, canopy, marquee, or single sign that is attached perpendicularly to the face of a building shall provide eight (8) feet minimum clearance above a sidewalk for framed or rigid portions, and seven (7) feet minimum clearance for any unframed valance.

J. **Temporary Business Signs.**

1. **Size Allowed.** Temporary signs are allowed in addition to permanent signs. The size of the temporary signs may not exceed the allowed square footage for permanent signs.

2. **Allowed Time Limits.**

a. **Grand Opening Signs.** Temporary signs for the purpose of grand openings of a new business can be in place for a maximum of thirty (30) days. The installation date of the sign shall be placed on the sign to verify compliance with this regulation.

b. **Special Event Signs.** Temporary signs for the purpose of special events may be placed on site a maximum of four times per calendar year and a maximum of five consecutive days per event.

3. **Placement of Signs.**

a. Signs are allowed on private property only. Signs shall not be placed in public rights-of-way or at off-site locations.

b. Signs must be affixed to a permanent structure.

4. Temporary signs shall not be illuminated.

5. **Durable Materials Required.** Signs shall be constructed of durable, rigid material suitable to the location and purpose. Only interior window signs may be made of nonrigid (e.g., paper) material.

6. **Removal of Signs.** Temporary signs and their components shall be promptly removed at the expiration of the time limits set forth above.

K. **Window Signs.** Window signs shall not take up more than twenty-five (25) percent (25%) of any one window. Window signs shall count against the total allowable aggregate sign area for the property as measured in Section 17.104.020(B). Interior signs which are located eighteen (18) inches or more from behind the window face shall be exempt from these regulations.

L. **Clear Sight Restrictions.** A triangular area measuring fifteen (15) feet from the intersection along each street line shall be kept free of all freestanding signs. A triangular area measuring ten (10) feet from the intersection of a driveway and a street line shall be kept free of all freestanding signs. (Ord. 12606 Att. A (part), 2004; prior planning code § 7041)

17.104.030 **General limitations on signs--S-1, S-2, S-3 and S-15 zones.**

The following limitations shall apply to the specified signs in the S-1, S-2, S-3 and S-15 zones, and are in addition to the limitations, if any, prescribed for signs in the applicable individual zone regulations or development control maps:

A. **Design Review.** No business, civic, or residential sign shall be constructed or established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.

B. **Permitted Aggregate Sign Area. S-1, S-2, S-3 and S-15 Zones.** The maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be one square foot for each one foot of lot frontage in the case of an interior lot, or 0.5 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed two hundred (200) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be

approved pursuant to the regulations in Subsection B(1) below and to the small project design review procedure in Chapter 17.136.

1. **Exception to Aggregate Sign Area Limits.** In addition to the exception to aggregate sign limits that may be allowed upon granting of a Master Sign Program as specified in Section 17.104.070, in cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex, the following other exception to the maximum aggregate sign area, exclusive from any Master Sign Program exceptions, may be approved pursuant to the small project design review procedure in Chapter 17.136, in cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex:

a. Twenty (20) square feet of sign area for each tenant space in the multi-tenant building or complex without existing signage on site.

C. **Maximum Height.**

1. **Attached Signs.** The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.

2. **Freestanding Signs.** The maximum height of any freestanding sign in the S-1, S-2, S-3 and S-15 Zones is ten (10) feet.

D. **Special Limitations Near Boundaries of Residential Zones.** Signs shall be subject to the same special limitations along or near boundaries of residential zones as are set forth in Section 17.104.020(E).

E. **Special, Development, and Realty Signs.** All special, development, and realty signs shall be subject to the same limitations as are set forth in subsections (C), (D) and (F) of Section 17.104.010 for such signs in residential zones.

F. **Signs within One Thousand (1,000) Feet of Rapid Transit Routes.** Signs within one thousand (1,000) feet of the centerline of rapid transit routes shall be subject to the applicable limitations set forth in Sections 17.104.040 and 17.114.150. (Ord. 12606 Att. A (part), 2004: prior planning code § 7042)

17.104.070 Master sign programs

A. **Submittal Requirements.** In all Commercial and Industrial zones, as well as the S-1, S-2, S-3 and S-15 zones, any Commercial, Industrial, or mixed use building or complex containing two (2) or more tenant spaces on site may apply for a Master Sign Program which specifies the overall design, configuration, and permitted sizes of signs for that building or complex. Applications for a Master Sign Program shall identify, at a minimum, the permitted sign sizes, materials, colors, placement, construction, method of lighting, and other related sign requirements for the applicable Commercial, Manufacturing/Industrial, or mixed use building or complex. Drawings shall indicate the exterior surface details of all buildings on the site; the typical sign locations, designs, colors, and faces; and the methods of sign construction, installation, and lighting.

B. **Use permit criteria.** A Master Sign Program may be allowed to deviate from the normally required sign standards in this Chapter, including but not limited to, total aggregate sign area. A Master Sign Program application which would deviate from the normally required sign standards shall be processed as a conditional use permit under the provisions of Chapter 17.134. A conditional use permit for a Master Sign Program may only be granted upon determination that the proposed sign program conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

1. That the proposal will be of a quality and character appropriate to the Commercial, Industrial, mixed use building or complex;

2. That the building facade and other walls will be considered and treated as a whole, and in relationship to adjoining buildings;

3. That all Signs will be harmonious with the architectural design of the building and adjacent buildings, and will not cover or detract from a building's significant architectural features.



C. **Review of individual signs upon approval of a Master Sign Program.** Once a Master Sign Program is approved for any multi-tenant building or complex, the following provisions shall apply:

1. Sign applications determined to conform to the provisions of an approved Master Sign Program shall be exempt from design review as is otherwise specified in Chapter 17.136.
2. Sign applications determined to not conform to an approved Master Sign Program may only be granted upon approval of a revision to the original Master Sign Program conditional use permit.

## Chapter 17.106

### GENERAL LOT, DENSITY, AND AREA REGULATIONS

#### 17.106.030 Maximum density and floor-area ratio on lots containing both Residential and Nonresidential Facilities.

A. Portion of Lot Area Used in Computing Density. For mixed use projects in the CBD zones~~central-business-district~~ and Jack London district, the allowable intensity of development may be measured according to the maximum FAR allowed by the zone without a separate residential density calculation, provided the maximum number of units pursuant to the residential density allowed by the General Plan and Estuary Policy Plan is not exceeded. (The Central Business District is that area identified as part of the Land Use and Transportation Element Land Use Diagram of the General Plan. The Jack London district is that area identified as part of the Estuary Policy Plan and adopted as part of the General Plan.)

B. Portion of Lot Area Used in Computing Density. For mixed use projects located in areas other than the CBD zones~~central-business-district~~ and Jack London district, in which a maximum floor area ratio is generally prescribed for Nonresidential Facilities, no portion of lot area used to meet the density requirements for a Residential Facility shall be used as a basis for computing, through such floor area ratio, the maximum amount of floor area for any Nonresidential Facility on the same lot.

~~C. Floor-Area-Ratio-in-C-30-Zone. In the C-30 zone, Nonresidential Facilities shall be subject to a maximum floor-area-ratio of 3.00 on any lot containing both Residential and Nonresidential Facilities; and no portion of lot area used to meet the density requirements for any Residential Facility shall be used as a base for computing, through said floor-area-ratio, the maximum amount of floor area for any Nonresidential Facility on the same lot.~~

CD. Different Floor-Area Ratios. In all zones in which the maximum floor-area ratio generally prescribed for Residential Facilities is different from that for Nonresidential Facilities, the overall maximum floor-area ratio of any lot containing both Residential and Nonresidential Facilities shall be the greater of the two prescribed floor-area ratios. However, the total floor area actually devoted to each class of facility shall not exceed the maximum ratio prescribed for that class. (Ord. 12349 § 3, 2001; prior planning code § 7053)

#### 17.106.060 Increased number of living units in senior citizen housing.

Wherever provided for in the applicable individual zone regulations, the number of residential living units otherwise permitted or conditionally permitted may be increased by not to exceed seventy-five (75) percent (75%) in senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the proposal conforms to both of the following additional use permit criteria:

A. That such occupancy is guaranteed, for a period of not less than fifty (50) years, by appropriate conditions incorporated into the permit;

B. That the impact of the proposed facilities will be substantially equivalent to that produced by the kind of development otherwise allowed within the applicable zone, with consideration being given to the types and rentals of the living units, the probable number of residents therein, and the demand for public facilities and services generated. (Prior planning code § 7059)

## Chapter 17.107

### DENSITY BONUS AND INCENTIVE PROCEDURE

#### 17.107.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the density bonus and incentive procedure for affordable housing. The purpose of these provisions is to prescribe the procedure for the granting of a density bonus and incentive(s), under specified conditions, to encourage the provision of affordable housing. The density bonus ordinance codified in this chapter is intended to comply with the State Density Bonus Law, Government Code Section 65915, which provides that a local government shall grant a density bonus and an additional concession, or financially equivalent incentive(s), to a developer of a housing development agreeing to construct a specified percentage of housing for low income households, very low income households or senior citizens. This procedure shall apply to all proposals to create five (5) or more living units in which the developer is requesting the density bonus. (Ord. 12331 § 2 (part), 2001)

#### 17.107.020 Definitions.

A. Affordable Housing. "Affordable housing" shall mean that the relevant housing is available on terms such that the housing costs are less than a specified percentage of the gross income of households within a particular income category (adjusted for household size, depending on the number of bedrooms in the living unit) as determined for the Oakland Primary Metropolitan Statistical Area (PMSA). For a rental unit, housing costs include rent and a reasonable allowance for utilities. For a for-sale unit, housing costs include loan principal, loan interest, property and mortgage insurance, property taxes, home owners' association dues and a reasonable allowance for utilities.

1. Where units are targeted as being affordable to low income households, housing costs for rental units must be equal to or less than thirty (~~30~~)-percent (30%) of the gross monthly income, adjusted for household size, of sixty (~~60~~)-percent (60%) of the median income for the Oakland PMSA. Housing costs for for-sale units must be equal to or less than thirty (30) percent of the gross monthly income, adjusted for household size, of seventy (~~70~~)-percent (70%) of the median income.

2. Where units are targeted as being affordable to very low income households, housing costs for rental units and for for-sale units must be equal to or less than thirty (30)-percent (30%) of the gross monthly income, adjusted for household size, of fifty (~~50~~)-percent (50%) of the median income for the Oakland PMSA.

3. Where units are targeted as being affordable to moderate income households, housing costs for rental units must be equal to or less than thirty (30)-percent (30%) of the gross monthly income, adjusted for household size, of one hundred twenty (~~120~~)-percent (120%) of the median income for the Oakland PMSA. Housing costs for for-sale units must be equal to or less than thirty-five (~~35~~)-percent (35%) of the gross monthly income, adjusted for household size, of one hundred twenty (~~120~~)-percent (120%) of the median income.

B. Density Bonus. A "density bonus" is a density increase over the otherwise maximum permitted residential density. For purposes of this chapter, the density bonus shall not be included when determining the number of target units that must be affordable to the relevant income group. When awarding multiple density bonuses, such as for senior citizens housing, the amount of each density bonus shall be determined based on the allowable base density, exclusive of any bonuses. In no event may the city grant a density bonus which would result in the project exceeding the general plan density maximum unless the project proposes to provide at least: (1) twenty (~~20~~)-percent (20%) of the total units of a housing development for lower income households, or (2) ten (~~10~~)-percent (10%) of the total units of a housing development for very low income households, or (3) fifty (~~50~~)-percent (50%) of the total living units of a housing development for qualifying residents (seniors), or (4) at least twenty (~~20~~)-percent (20%) of the total units of a residential condominium housing development for moderate income households.

When calculating the final unit count allowed with the density bonus, any fractional remainders shall be rounded up to the nearest whole number.

C. Density Incentive. A “density incentive” is a benefit offered by the city to facilitate construction of eligible projects as defined by the provisions of this chapter and is limited to the relaxation of one of the following standards in order to allow utilization of a density bonus:

1. Required off-street parking;
2. Required setbacks;
3. Maximum building height;
4. Required open space;
5. Maximum floor-area ratio;
6. Minimum lot area.

D. “Economically feasible” means that a housing development can be built with a reasonable rate of return. The housing developer’s financial ability to build the project shall not be a factor.

E. Moderate, Low and Very Low Income Households. “Moderate, low and very low income households” means those households whose income matches levels determined periodically by the U.S. Department of Housing and Urban Development, based on the Oakland Primary Metropolitan Statistical Area (PMSA) median income levels by family size, under which:

1. “Moderate income” is defined as greater than eighty (80)-percent (80%) to one hundred twenty (120) percent of median income.
2. “Low income” is defined as greater than fifty (50)-percent (50%) to eighty (80)-percent (80%) of median income.
3. “Very low income” is defined as less than fifty (50)-percent (50%) of median income.

F. Target Living Unit. A “target living unit” is a living unit that will be offered for rent or sale exclusively to and which shall be affordable to the designated income group or senior citizens.

G. Housing Development. A “housing development” is as defined in California Government Code Section 65915(g). (Ord. 12501 § 74, 2003; Ord. 12331 § 2 (part), 2001)

#### 17.107.030 Application.

A developer may submit to the Director of City Planning a preliminary proposal for the development of housing and utilization of the density bonus procedure pursuant to this chapter prior to the submittal of any formal application. The city shall, within thirty (30) days of receipt of a written proposal, notify the housing developer in writing of its local density procedures. The housing developer shall show that any requested incentives are necessary to make the affordable units economically feasible.

A formal request for a density bonus and related incentive(s) shall be included in the application for design review for a housing development and shall be processed and considered as part of same. The application for a density bonus and related incentive(s) shall include:

A. A written statement specifying the desired density increase, incentive requested and the type, location, size and construction scheduling of all living units;

B. A project financial report (pro forma), as required to justify the granting of any incentive(s) in addition to the density bonus;

C. Any other such information as may be required to permit the review of the proposal in the context of the required findings, as requested by the Director of City Planning.

D. The following density bonus requests shall also require a Major Conditional Use Permit and shall not be eligible for a density incentive:

1. Application for a density bonus of greater than twenty-five (~~25~~)-percent (25%);
2. Application for a density bonus of twenty-five (~~25~~)-percent (25%) or less if the project would provide moderate and low income housing as described in Section 17.107.040A(2)(d).

(Ord. 12331 § 2 (part), 2001)

## Chapter 17.108

### GENERAL HEIGHT, YARD, AND COURT REGULATIONS

Sections:

- 17.108.010 Height restrictions on lots abutting property in the ~~an~~ R-1, R-10, R-20, R-30, R-35, R-36, R-40, or R-50 ~~RH, RD, or RM~~ zone.
- 17.108.020 Different maximum height in certain situations.
- 17.108.030 Allowed projections above height limits.
- 17.108.040 Minimum front yard in commercial and industrial zones where part of frontage on same side of block is in residential zone.
- ~~17.108.050 Reduced front yard on steep slopes in residential zones.~~
- ~~17.108.060 Minimum side yard on street side of corner lot Residential zones.~~
- 17.108.070 Minimum side yard on street side of corner lot in commercial and industrial zones where key lots is in residential zone.
- 17.108.080 Minimum side yard opposite living room windows.
- 17.108.090 Minimum side yard abutting side of property in the R-1, R-10, R-20, R-30, R-35, R-36, R-40, R-50, or R-60 ~~an~~ RH, RD, or RM zones.
- 17.108.100 Minimum rear abutting any portion of property in any residential zone.
- 17.108.110 Reduced rear yard adjacent to alley.
- 17.108.120 Minimum court between opposite walls on same lot.
- 17.108.130 Exceptions to required openness of minimum yards and courts.
- 17.108.140 Fences, dense hedges, barrier and similar freestanding walls.

- 17.108.010 Height restrictions on lots abutting property in the ~~an~~ RH, RD, or RMR-1, R-10, R-20, R-30, R-35, R-36, R-40, or R-50 zone.

(See illustration I-11a.) In the RU-60, R-70, R-80, R-90, S-1, S-2, and S-15 zones and all commercial and industrial zones, the following regulations shall apply to every lot therein which abuts any lot located in the ~~an~~ RH, RD, or RM-1, R-10, R-20, R-30, R-35, R-36, R-40, or R-50 zone:

A. Where Side Lot Line Is Abutting Zone Boundary. Where an interior side lot line of the former lot abuts the ~~a~~ RH, RD, or RM-1, R-10, R-20, R-30, R-35, R-36, R-40, or R-50 zone, no building or other facility shall, except for the projections allowed by Section 17.108.030, exceed thirty (30) feet in height unless each portion above that height is set back there from the inner line of the minimum side yard which is required by Section 17.26.140C or 17.108.090 as applicable, or from the abutting portion of the lot line where such yard is not required, a minimum horizontal distance equal to one foot for each foot by which it extends above that height.

B. Where Rear Lot Line Is Along Zone Boundary. Where the rear lot line of the former lot abuts the ~~an~~ RH, RD, or RM-1, R-10, R-20, R-30, R-35, R-36, R-40, or R-50 zone, no building or other facility shall, except for the projections allowed by Section 17.108.030, exceed thirty (30) feet in height unless each portion above that height is set back there from the inner line of the minimum rear yard which is required by Section 17.108.100, or is required on every lot by the applicable individual zone regulations, a minimum horizontal distance equal to one foot for each foot by which it extends above that height. (Ord. 12376 § 3 (part), 2001; Ord. 12272 § 4 (part), 2000; Ord. 11892 § 5, 1996; prior planning code § 7070)

- 17.108.020 Different maximum height in certain situations.

A. General Height for Civic Facilities with Increased Yards. On parcels in the ~~R-1, R-10, R-20, R-30, R-35, R-36, R-40, R-50~~ RH, RD, RM, RU, CN, CC, CRC-10, C-20, C-27, C-28, C-30, C-31, HBX-1, HBX-2, HBX-3 HBX, M-20, S-15 and OS zones that have a height limit of less than seventy-five (75)

feet, a facility accommodating or serving any Civic Activity may, notwithstanding the maximum height prescribed for facilities in general in the applicable individual zone regulations or subsection B of this section, have a height of up to seventy-five (75) feet upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 if the minimum depth or width, as the case may be, of each front, side, and rear yard, if any, otherwise required is increased for such facility by one foot for each foot by which the facility exceeds the aforesaid maximum height. To the extent allowed by the conditional use permit, the greater height authorized by this subsection may be exceeded by the projections allowed by Section 17.108.030.

**B. — Special Maximum Heights for Principal Buildings and Other Principal Facilities on Certain Steep Slopes.** (See illustration I-11b.) In the zones indicated below, the general maximum height prescribed for principal buildings and other principal facilities in the applicable individual zone regulations shall be replaced by the following heights where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent based on the existing grade. The gradient shall be determined by the difference in topographic elevations along the steepest possible line that connects opposite points of the site area (see illustration I-11c).

— The special maximum heights provided herein shall not apply to accessory facilities.

<b>Zone</b>	<b>Maximum Height, Except As a Greater Height Is Allowed by Section 17.108.020A, 17.108.030 and Chapter 17.128. Upslope Site Area</b>	<b>Maximum Height, Except As a Greater Height Is Allowed by Section 17.108.020A, 17.108.030 and Chapter 17.128. Downslope Site Area</b>
<b>R-1, R-10, R-20, R-30, R-35, R-36, R-40, and R-50</b>	30 feet, except that the highest portion of a pitched roof on a principal building or other principal facility may extend up to 35 feet if all parts of the roof above 30 feet are:	All principal building or other principal facility sites with a gradient over 20 percent:
	1. Pitched at a vertical to horizontal ratio of no less than one to three (1:3) and no more than two to one (2:1); and	The maximum height of a principal facility shall not exceed 18 feet above any point along the edge of the street pavement resulting from the project, and adjacent to the front lot line.
	2. If located within 10 feet of an interior side lot line, pitched upward from such lot line for a distance of at least 10 feet from the lot line;	Attached and detached garages and carports with downslope site area gradients over 40 percent may exceed the maximum heights set forth in this subsection B by up to 10 feet if the garage or carport conforms with all of the following criteria:
	And provided that:	1. Maximum width is 22 feet and maximum depth is 20 feet; and
	1. The maximum height of those portions of the facility located within 20 feet of the front lot line shall not exceed 21 feet above any point along the edge of the street pavement resulting from the project and adjacent to the front lot line; and	2. Garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and

Zone	Maximum Height, Except As a Greater Height Is Allowed by Section 17.108.020A, 17.108.030 and Chapter 17.128. Upslope Site Area	Maximum Height, Except As a Greater Height Is Allowed by Section 17.108.020A, 17.108.030 and Chapter 17.128. Downslope Site Area
	2. If located within 10 feet of an interior side lot line, pitched upward from such lot line for a distance of at least 10 feet from the lot line;	3. Maximum height above the garage or earport floor is eight feet for walls to the top of the plate and twelve feet for roofs.
	And provided that:	Principal building or other principal facility sites with a gradient over 20 percent but not over 40 percent:
	1. The maximum height of those portions of the facility located within 20 feet of the front lot line shall not exceed 24 feet above any point along the edge of the street pavement resulting from the project and adjacent to the front lot line; and	30 feet, except that the highest portion of a pitched roof on a principal facility may extend up to:
	2. The maximum height of the facility shall not exceed 24 feet above any point along the rear yard setback line.	1. 32 feet; and
		2. 36 feet upon the granting of a conditional use permit pursuant to the conditional use permit procedure at Section 17.134.010; if all parts of the roof above 30 feet are:
		1. Pitched at a vertical to horizontal ratio of no less than one to three (1:3) and no more than two to one (2:1); and
		2. If located within 10 feet of an interior side lot line, pitched upward from such lot line for a distance of at least 10 feet from the lot line.
		Principal building or other principal facility sites with a gradient over 40 percent:
		30 feet, except that the highest portion of a pitched roof on a principal facility may increase up to:
		1. 36 feet; and
		2. 40 feet upon the granting of a conditional use permit pursuant to the conditional use permit procedure at Section 17.134.010; if all parts of the roof above 30 feet are:
		1. Pitched at a vertical to horizontal ratio of no less than one to three (1:3) and no more than two to one (2:1); and

Zone	Maximum Height, Except As a Greater Height Is Allowed by Section 17.108.020A, 17.108.030 and Chapter 17.128. Upslope Site Area	Maximum Height, Except As a Greater Height Is Allowed by Section 17.108.030A, 17.108.030 and Chapter 17.128. Downslope Site Area
		2. If located within 10 feet of an interior side lot line, pitched upward from such lot line for a distance of at least 10 feet from the lot line.
R-60.	45 feet, except that a greater height may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure at Section 17.134.010.	50 feet, provided that the principal building or other principal facility does not extend above a horizontal plane crossing the entire lot at a level which is 30 feet above finished grade at the midpoint of the front lot line; however, a greater height may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure.

(Ord. 12376 § 3 (part), 2001; Ord. 12272 § 4 (part), 2000; Ord. 12078 § 5 (part), 1998; Ord. 11892 § 6, 1996; prior planning code § 7071)

**17.108.030 Allowed projections above height limits.**

Except in the C-5 commercial zone, the height restrictions prescribed for facilities in the applicable individual zone regulations and development control maps and in Sections 17.108.010 and 17.108.020 may be exceeded in accordance with the following table. However, facilities within required minimum yards and courts shall also be subject to the applicable provisions of Section 17.108.130.

	Restrictions on Facility, or Portion Thereof, Above the Prescribed Height		
Facilities Allowed Above the Prescribed Height	Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)	Maximum Vertical Projection Above the Prescribed Height	Minimum Horizontal Distance from any Abutting Residentially Zoned Lot



Exhibit A: Code Amendments  
 3/15/11 City Council

	<b>Restrictions on Facility, or Portion Thereof, Above the Prescribed Height</b>		
<b>Facilities Allowed Above the Prescribed Height</b>	<b>Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)</b>	<b>Maximum Vertical Projection Above the Prescribed Height</b>	<b>Minimum Horizontal Distance from any Abutting Residentially Zoned Lot</b>
<b>A.</b> Chimneys, ventilators, plumbing vent stacks, water tanks, cooling towers, machinery rooms, and other equipment and appurtenances which are not provided for elsewhere in this section. (For screening around these, see below.)	10 percent, minus any percentage covered pursuant to subsection <b>B</b> of this section.	10 feet, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.	20 feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four feet.
<b>B.</b> Elevator or stair towers; penthouses, excluding those containing any living unit; stage or scenery lofts; skylights and dormer windows; and rooftop fenced or walled spaces which do not qualify elsewhere in this section.	10 percent, minus any percentage covered pursuant to subsection <b>A</b> of this section.	12 feet, except upon the granting of a conditional use permit.	10 feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four feet.

	<b>Restrictions on Facility, or Portion Thereof, Above the Prescribed Height</b>		
<b>Facilities Allowed Above the Prescribed Height</b>	<b>Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)</b>	<b>Maximum Vertical Projection Above the Prescribed Height</b>	<b>Minimum Horizontal Distance from any Abutting Residentially Zoned Lot</b>
<b>C.</b> Skylights, dormers and gable ends up to 15 feet in width located on principal and accessory Residential Facilities, except accessory facilities permitted in minimum yards or courts pursuant to Section 17.108.130K.	10 percent, minus any percentage covered pursuant to subsection A of this section.	10 feet for dormers and gable ends and one foot for skylights, but in all cases, no higher than the maximum height of the roof section on which they are located, except that skylights on a flat roof (slope 1:12 or less) may extend one foot above the roof	10 feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four feet.
<b>D.</b> Decorative features such as spires, bell towers, domes, cupolas, obelisks, and monuments.	10 percent, minus any percentage covered pursuant to subsection A or B of this section.	15 feet, except upon the granting of a conditional use permit.	15 feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four feet.
<b>E.</b> Fire escapes, catwalks, and open railings required by law.	No restriction.	No restriction.	No restriction.

	<b>Restrictions on Facility, or Portion Thereof, Above the Prescribed Height</b>		
<b>Facilities Allowed Above the Prescribed Height</b>	<b>Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)</b>	<b>Maximum Vertical Projection Above the Prescribed Height</b>	<b>Minimum Horizontal Distance from any Abutting Residentially Zoned Lot</b>
<b>F.</b> Rooftop recreational, observation, seating, outdoor dining, clothesline, and parking facilities, unroofed themselves except for incidental sunshades, wind-screens, and similar devices; rooftop landscaping, other than trees; and unroofed open stairs and rooftop open fencing which do not qualify elsewhere in this section.	No restriction.	10 feet, except upon the granting of a conditional use permit.	15 feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four feet.
<b>G.</b> Eaves, awnings, balconies, open stairs, and similar lateral extensions of a building, where the prescribed height is expressed as a ratio to some horizontal setback.	No restriction.	Four feet in the case of Section 17.108.010 and eight feet otherwise.	No restriction.
<b>H.</b> Microwave dishes, subject where applicable to the provisions of Section 17.102.240.	No restriction.	Seven (7) feet, except upon the granting of a conditional use permit.	Ten (10) feet, except upon the granting of a conditional use permit.
<b>I.</b> Radio and television masts antennas, other than micro-wave dishes.	No restriction.	15 feet, except upon the granting of a conditional use permit.	Five feet, except upon the granting of conditional use permit.

	<b>Restrictions on Facility, or Portion Thereof, Above the Prescribed Height</b>		
<b>Facilities Allowed Above the Prescribed Height</b>	<b>Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)</b>	<b>Maximum Vertical Projection Above the Prescribed Height</b>	<b>Minimum Horizontal Distance from any Abutting Residentially Zoned Lot</b>
<b>J.</b> Trees; flagpoles; weather vanes; and utility poles and lines.	No restriction.	No restriction.	No restriction.
<b>K.</b> Special Signs; and other Signs if flat against the surface of a facility authorized above.	No special restriction, but subject to the regular height and other limitations applicable to Signs.	No special restriction, but subject to the regular height and other limitations applicable to Signs.	No special restriction, but subject to the regular height and other limitations applicable to Signs.

Any conditional use permit under subsection **H** of this section shall be subject to the same use permit criteria as are prescribed in Section 17.102.240. (Ord. 12376 § 3 (part), 2001: prior planning code § 7075)

**17.108.040 Minimum front yard in commercial and industrial zones where part of frontage on same side of block is in residential zone.**

(See illustration I-12a.) Whenever fifty (50)-percent (50%) or more of the frontage on one side of a street between two intersecting streets is in any residential zone and all or part of the remaining frontage is in any commercial or industrial zone, a front yard with a minimum depth equal to one-half of the minimum front yard depth required in the residential zone shall be provided on every commercially or industrially zoned lot having such frontage. If fifty (50)-percent (50%) or more of the total frontage is in more than one residential zone, the minimum front yard depth on the commercially or industrially zoned lots shall be equal to one-half of that required in the residential zone in which the least such depth is required. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also, where applicable, the greater yard depth prescribed for certain facilities by Section 17.108.020. (Prior planning code § 7078)

**17.108.050 Reduced front yard on steep slopes in residential zones.**

~~— In all residential zones the minimum front yard depth otherwise required by the applicable individual zone regulations shall be reduced to five feet on any lot with a street-to-setback gradient that exceeds twenty (20) percent, provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least twenty (20) feet. In no case can the cumulative building width within the otherwise required front yard exceed sixty (60) percent of the lot width. (See illustration I-12c.)~~

~~— The street to setback gradient shall be based on the difference in topographic elevation along a perpendicular line that connects from the edge of the sidewalk closest to the front lot line, or, if there is no sidewalk, from the edge of the pavement, to the normally required front setback line, notwithstanding any reduced front yard setback that may be permitted on steep slopes as provided in Section 17.108.050. The measurement shall be taken at the midpoint of the front lot line, or the closest point to the midpoint excluding any driveways, stairs and other built structures.~~

~~(Ord. 12376 § 3 (part), 2001; prior planning code § 7079)~~

**17.108.060 Minimum side yard on street side of corner lot—Residential zones.**

~~(See illustration I-13.)~~

~~— A. **Where There Is a Key Lot in a Residential Zone.** In all residential zones, on every corner lot which abuts to the rear a key lot which is in a residential zone, there shall be provided on the street side of such corner lot a side yard with a minimum width equal to one-half (½) of the minimum front yard depth required on the key lot and no less than the minimum side yard width required along an interior side lot line of the corner lot. However, such side yard shall not be required in the R-80, R-90, and CBD-R zones, nor be required to exceed five (5) feet in width in any other residential zone, to the extent that it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also Section 17.110.040C for special controls on location of detached accessory buildings on such corner lots.~~

~~— B. **Where There Is No Key Lot in a Residential Zone.** In all residential zones, on every corner lot which does not abut to the rear a key lot which is in a residential zone, the required minimum side yard width on the street side of such corner lot shall be the same as that, if any, generally required along each interior side lot line of every lot in the same zone; provided, however, that such minimum width shall be five (5) feet in the R-60 and R-70 zones. However, such side yard shall not be required to exceed five (5) feet in width to the extent that it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. (Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001; prior planning code § 7080)~~

**17.108.080 Minimum side yard opposite living room windows.**

(See illustration I-14.) On each lot containing Residential Facilities with a total of two or more living units, except in the case of a One-Family Dwelling with Secondary Unit, a side yard with the minimum width prescribed hereinafter shall be provided opposite any legally required window of a living room in a Residential Facility wherever such window faces any interior side lot line of such lot, other than a lot line abutting an alley, path, or public park. The side yard prescribed by this section is not required on other lots or in other situations. Such yard shall have a minimum width of eight (8) feet, plus two (2) feet for each story at or above the level of the aforesaid window; provided, however, that such side yard width shall not be required to exceed twelve (12) percent of the lot width in the RU-3, RU-4, RU-5, R-70, R-80, R-90, CN, CC, C-40, C-45, C-25, C-30, C-35, C-40, C-45, C-51, C-55, CBD-R, CBD-P, CBD-C, CBD-XCBD, S-1, S-2, and S-15, and D-KP zones and twenty (20) percent (20%) of the lot width in all other zones, except that in no case shall such side yard width be less than five (5) feet. The side yard required by this section shall be provided opposite the legally required window and opposite that portion of the

wall containing such window, or of any extension of such wall on the same lot, for a distance of not less than ten feet in both directions from the centerline of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. (Ord. 11892 § 7, 1996; prior planning code § 7082)

**17.108.090 Minimum side yard abutting side of property in the RH, RD, RM, RU-1, or RU-2, R-1, R-10, R-20, R-30, R-35, R-36, R-40, R-50, or R-60 zones.**

(See illustrations I-6a and I-12b.) Wherever an interior side lot line of any lot located in the RU-3, RU-4, RU-5-70, R-80, R-90, CBD-R, S-1, S-2, or S-15 zone or any commercial or industrial zone abuts an interior side lot line of any lot located in the R-1, R-10, R-20, R-30, R-35, R-36, R-40, R-50, or R-60 RH, RD, RM, RU-1, or RU-2 -zone, there shall be provided on the former lot, along the abutting portion of its side lot line, a side yard with a minimum width of ten (10) feet. (Where it abuts a rear lot line, no yard is required by this section.) This side yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also, where applicable, the greater yard width prescribed for certain facilities by Section 17.108.020(A). (Ord. 12272 § 4 (part), 2000; Ord. 11892 § 8, 1996; prior planning code § 7083))

**17.108.110 Reduced rear yard adjacent to alley.**

In all zones, wherever a rear lot line abuts an alley, one-half of the right-of-way width of the alley may be counted toward the required minimum rear yard depth; provided, however, that the portion of the minimum rear yard depth actually on the lot itself shall not be so reduced to less than ten (10) feet in the R-20, RH, RD, and RMP-30, R-35, R-36, R-40, and R-50 zones, nor to less than five feet in any other zone. (Prior planning code § 7086)

**17.108.120 Minimum court between opposite walls on same lot.**

(See illustration I-15.) On each lot containing Residential Facilities with a total of two or more living units, except in the case of a One-Family Dwelling with Secondary Unit, courts with the minimum depths prescribed below shall be provided in the cases specified hereinafter between opposite exterior walls, or portions thereof, of the same or separate buildings on such lot. Courts are not required on other lots or in other situations. The aforesaid walls shall be considered to be opposite one another if a line drawn in a horizontal plane perpendicularly from any portion of any of the legally required windows referred to hereinafter, or from any point along the wall containing such window, or any extension of such wall on the same lot, on the same story as and within ten (10) feet in either direction from the centerline of said legally required window, intersects the other wall. The courts required by this section shall be provided opposite each of the legally required windows referred to hereinafter and along the wall containing such window, and along any extension of such wall on the same lot, for not less than ten (10) feet in both directions from the center line of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130.

A. Legally Required Living Room Windows in Either or Both Walls. If either or both such opposite walls contain any legally required window of any living room in a Residential Facility, a court shall be provided between such walls with a minimum horizontal depth equal to the height of the wall opposite such window, or the height of the higher of such opposite walls where both walls contain such a window; provided, however, that in no case shall the horizontal depth of such court be less than eighteen (18) feet nor be required to exceed fifty (50) feet. For the purpose of computing the minimum depth of such court, the aforesaid height of wall shall be measured above finished grade or above the floor level of the lowest story of the opposite wall containing such a window, whichever level is higher.

B. Other Legally Required Windows in Both Walls. If both such opposite walls contain legally required windows of any habitable rooms, other than living rooms, in a Residential Facility, a court shall

be provided between such walls with a minimum horizontal depth of twelve (12) feet. (Prior planning code § 7087)

**17.108.130 Exceptions to required openness of minimum yards and courts.**

Every part of each required minimum yard and court shall be open and unobstructed from finished grade, or where applicable from such other specified level at which the yard or court is required, to the sky except for the facilities allowed in the yard or court by the following table. Furthermore, in no case shall more than fifty (50)-percent (50%) of the horizontal area of any required minimum rear yard be covered by any facilities, other than trees, which extend more than six (6) feet above the level at which the rear yard is required. Wherever a yard is required only for a particular facility, it may be provided at the level of the lowest story containing such facility; provided that where such facility is a Residential Facility, such level shall be that of the lowest story, or portion thereof, containing any living unit. Where the height of facilities within minimum yards or courts is not specifically further limited by the following table, the facilities shall conform to the regular height restrictions, if any, applicable to facilities where they are located. Facilities within minimum yards and courts shall also be subject to any applicable screening requirements or other controls prescribed by the buffering regulations in Chapter 17.110 or by the pertinent development control maps or individual zone regulations, which in some zones require that minimum front yards, or side yards on the street side of a corner lot, be landscaped.

<b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)</b>					
Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
A. Eaves; awnings, louvers, and similar shading devices; sills, cornices, and chimneys; and similar architectural projections from a building	Four (4) feet into above yard.	Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.	Two (2) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.	Four (4)- feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.	Two (2) feet into court.

<b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)</b>					
<b>Facilities</b>	<b>Front Yard</b>	<b>Side Yard on Street Side of Corner Lot</b>	<b>Side Yard Along Interior Side Lot Line</b>	<b>Rear Yard (But see coverage limit in first paragraph.)</b>	<b>Court</b>
<b>B. Patio roofs and similar structures projecting from and serving a Residential Facility, if such structures do not exceed twelve (12) feet in height above the level of the required yard or court and if each has open, unwallled sides along not less than fifty (50) percent (50%) of its perimeter. (If less open, see subsection K.)</b>	<b>Four (4) feet into above yard.</b>	<b>Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.</b>	<b>Two (2) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.</b>	<b>Any distance into above yard.</b>	<b>Two (2) feet into court.</b>



<b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)</b>					
<b>Facilities</b>	<b>Front Yard</b>	<b>Side Yard on Street Side of Corner Lot</b>	<b>Side Yard Along Interior Side Lot Line</b>	<b>Rear Yard (But see coverage limit in first paragraph.)</b>	<b>Court</b>
<b>C. Breezeways and similar roofed passageways projecting from and serving a Residential Facility, if they do not exceed twelve (12) feet in height above the level of the required yard or court and eight (8) feet in width and if they are not enclosed on the sides. (If wider or less open, see subsection K.)</b>	<b>Four (4) feet into above yard.</b>	<b>Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.</b>	<b>Two (2) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.</b>	<b>Any distance into above yard.</b>	<b>Two (2) feet into court.</b>

**Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)**

Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
<p><b>D. Bay windows located above the first story of a building, if the aggregate width of bay windows on any one story does not exceed fifty (50)-percent (50%) of the length of the wall containing them; if no individual bay window exceeds fifteen (15) feet in width; and if all such windows are cantilevered only.</b></p>	<p>Three (3) feet into above yard, though not to within five (5) feet of the front lot line for One- or Two-Family Residential Facilities.</p>	<p>Three (3) feet into above yard, though not to within five (5) feet of the front lot line for One- or Two-Family Residential Facilities.</p>		<p>Five (5) feet into above yard.</p>	

<b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)</b>					
<b>Facilities</b>	<b>Front Yard</b>	<b>Side Yard on Street Side of Corner Lot</b>	<b>Side Yard Along Interior Side Lot Line</b>	<b>Rear Yard (But see coverage limit in first paragraph.)</b>	<b>Court</b>
<p>E. Balconies, decks, and similar structures projecting from and serving Residential Facility and having a height, including railings, of more than six (6) feet above the level of the required yard or court, but excluding corridors and similar facilities providing access to two or more living units; provided that such structures are cantilevered or supported by necessary columns; and further provided that such structures are unroofed, except that a balcony or deck projecting from a higher story shall not be deemed a roof.</p>	<p>Six (6) feet into above yard, though not to within five (5) feet of the front lot line for One- or Two-Family Residential Facilities.</p>	<p>Five (5) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.</p>	<p>Five (5) feet into above yard, though not to within five (5) feet of interior side lot line; but may extend any distance if they meet the same provisos as stated in subsection K.</p>	<p>Six (6) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.</p>	

<b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)</b>					
Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
F. Exterior access facilities which lead to the second or higher story of a building, including open or enclosed fire escapes and open, unroofed fireproof outside stairways, landings, exterior corridors, and wheelchair ramps.	Four (4) feet into above yard.	Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.	Any distance into above yard if they meet the same provisos as stated in subsection K (not allowed otherwise).	Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.	

<b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)</b>					
<b>Facilities</b>	<b>Front Yard</b>	<b>Side Yard on Street Side of Corner Lot</b>	<b>Side Yard Along Interior Side Lot Line</b>	<b>Rear Yard (But see coverage limit in first paragraph.)</b>	<b>Court</b>
<b>G. Unroofed porches, steps, and wheelchair ramps, and other similar raised structures projecting from a building and having a height, including railings, of not more than six (6) feet above the level of the required yard or court.</b>	Eight (8) feet into above yard; but may extend any distance if they are required to accommodate wheelchair ramps or similar ADA access facilities.	Eight (8) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K or if they are required to accommodate wheelchair ramps or similar ADA access facilities.	Eight (8) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K or if they are required to accommodate wheelchair ramps or similar ADA access facilities..	Any distance into above yard.	Anywhere in court.

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
<b>H.</b> Open storage of boats, trailers, appliances, miscellaneous equipment, and similar materials, including areas for temporary storage of waste or used materials. (See also subsection I.)			Anywhere in above yard, provided that in all commercial and industrial zones the height of such storage shall not exceed five and one-half (5 ½) feet within a horizontal distance of ten (10) feet from any abutting residentially zoned lot.	Anywhere in above yard, provided that in all commercial and industrial zones the height of such storage shall not exceed five and one-half (5 ½) feet within a horizontal distance of ten (10) feet from any abutting residentially zoned lot.	Anywhere in court.
<b>L</b> Air conditioners, compressors, hot tub motors, and similar devices if emitting noise readily noticeable by the average person at or beyond the lot line, whether or not the devices are attached to a building.				Anywhere in above yard.	Anywhere in court.

<b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)</b>					
Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
<b>J.</b> Slides, clotheslines, and similar equipment; radio or televisions masts or antennas; microwave dishes.		Anywhere in above yards, subject where applicable to the provisions of Section 17.102.240.	Anywhere in above yards, subject where applicable to the provisions of Section 17.102.240.	Anywhere in above yards, subject where applicable to the provisions of Section 17.102.240.	Anywhere in court, subject where applicable to the provisions of Section 17.102.240.
<b>K.</b> Detached garages and sheds; detached or attached carports, parking podiums, and other detached or attached accessory structures not provided for elsewhere by this section; and portions of principal Nonresidential Facilities not provided for elsewhere nearby.		Anywhere in above yards, provided that:	Anywhere in above yards, provided that:	Anywhere in above yards, provided that:	

<b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)</b>					
Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
		1. The facility is within thirty-five (35) feet of the rear lot line; and	1. The facility is within thirty-five (35) feet of the rear lot line; and	1. The facility is within thirty-five (35) feet of the rear lot line; and	
		2. The wall height of the facility does not exceed nine (9) feet in height to the top of the plate above finished grade and the roof height, for roofs with a maximum 8 in 12 slope, does not exceed twelve (12) feet above finished grade, except for incidental decorative features or minor appurtenances such as flues; and	2. The wall height of the facility does not exceed nine (9) feet in height to the top of the plate above finished grade and the roof height, for roofs with a maximum 8 in 12 slope, does not exceed twelve (12) feet above finished grade, except for incidental decorative features or minor appurtenances such as flues; and	2. The wall height of the facility does not exceed nine (9) feet in height to the top of the plate above finished grade and the roof height, for roofs with a maximum 8 in 12 slope, does not exceed twelve (12) feet above finished grade, except for incidental decorative features or minor appurtenances such as flues; and	



<b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)</b>					
Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
		3. The facility itself does no contain any residential living quarters; and	3. The facility itself does no contain any residential living quarters; and	3. The facility itself does no contain any residential living quarters; and	
		4. No building or portion thereof within the minimum yard is itself used for any commercial or manufacturing repair or production operafions, unless it has no exterior openings there other than emergency exits or fixed windows or skylights; and	4. No building or portion thereof within the minimum yard is itself used for any commercial or manufacturing repair or production operations, unless it has no exterior openings there other than emergency exits or fixed windows or skylights; and	4. No building or portion thereof within the minimum yard is itself used for any commercial or manufacturing repair or production operations, unless it has no exterior openings there other than emergency exits or fixed windows or skylights; and	
		5. The affected side yard, if any, is not one required by Section 17.102.240 or 17.28.150(C)(1).	5. The affected side yard, if any, is not one required by Section 17.102.240 or 17.28.150(C)(1).	5. The affected side yard, if any, is not one required by Section 17.102.240 or 17.28.150(C)(1).	

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
		But on any reversed corner lot which abuts a key lot in any residential zone, detached accessory buildings shall also be subject to the provisions stated in Section 17.110.040C.	But on any reversed corner lot which abuts a key lot in any residential zone, detached accessory buildings shall also be subject to the provisions stated in Section 17.110.040C.	But on any reversed corner lot which abuts a key lot in any residential zone, detached accessory buildings shall also be subject to the provisions stated in Section 17.110.040C.	
L. Unroofed, raised platforms designed to accommodate off-street parking, including ramps and stairways necessary to provide access.	Anywhere in above yard except within five (5) feet of interior side lot line and except as otherwise provided in subsection M.	Same as prescribed in subsection K, except as otherwise provided in subsection M.	Same as prescribed in subsection K, except as otherwise provided in subsection M.	Same as prescribed in subsection K, except as otherwise provided in subsection M.	

<b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)</b>					
Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
<b>M. Unroofed parking and loading areas.</b>	In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed parking space which is located on any lot containing three or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of any street line or alley.	In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed parking space which is located on any lot containing three or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of any street line or alley.	In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed parking space which is located on any lot containing three or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of any street line or alley.	In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed parking space which is located on any lot containing three or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of any street line or alley.	In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed parking space which is located on any lot containing three or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of any street line or alley.
<b>N. Covered, underground or partially excavated structures including, but not limited to garages, fallout shelters, wine cellars, and basements.</b>	In any yard or court, provided that:	In any yard or court, provided that:	In any yard or court, provided that:	In any yard or court, provided that:	In any yard or court, provided that:

<b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)</b>					
<b>Facilities</b>	<b>Front Yard</b>	<b>Side Yard on Street Side of Corner Lot</b>	<b>Side Yard Along Interior Side Lot Line</b>	<b>Rear Yard (But see coverage limit in first paragraph.)</b>	<b>Court</b>
	1. The surfaces of such facilities are landscaped or developed as patios or terraces; and	1. The surfaces of such facilities are landscaped or developed as patios or terraces; and	1. The surfaces of such facilities are landscaped or developed as patios or terraces; and	1. The surfaces of such facilities are landscaped or developed as patios or terraces; and	1. The surfaces of such facilities are landscaped or developed as patios or terraces; and
	2. Such facilities do not extend more than thirty (30) inches above finished grade, except that they may extend farther upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.	2. Such facilities do not extend more than thirty (30) inches above finished grade, except that they may extend farther upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.	2. Such facilities do not extend more than thirty (30) inches above finished grade, except that they may extend farther upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.	2. Such facilities do not extend more than thirty (30) inches above finished grade, except that they may extend farther upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.	2. Such facilities do not extend more than thirty (30) inches above finished grade, except that they may extend farther upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

<b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)</b>					
Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
	However, these provisos shall not apply if the facilities would otherwise qualify, in the same yard, under subsection K.	However, these provisos shall not apply if the facilities would otherwise qualify, in the same yard, under subsection K.	However, these provisos shall not apply if the facilities would otherwise qualify, in the same yard, under subsection K.	However, these provisos shall not apply if the facilities would otherwise qualify, in the same yard, under subsection K.	However, these provisos shall not apply if the facilities would otherwise qualify, in the same yard, under subsection K.
<b>O. Fences; dense hedges; barrier, and similar freestanding walls.</b>	In any yard or court, provided that such facilities comply with the provisions of Section 17.108.140.	In any yard or court, provided that such facilities comply with the provisions of Section 17.108.140.	In any yard or court, provided that such facilities comply with the provisions of Section 17.108.140.	In any yard or court, provided that such facilities comply with the provisions of Section 17.108.140.	In any yard or court, provided that such facilities comply with the provisions of Section 17.108.140.

<b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)</b>					
<b>Facilities</b>	<b>Front Yard</b>	<b>Side Yard on Street Side of Corner Lot</b>	<b>Side Yard Along Interior Side Lot Line</b>	<b>Rear Yard (But see coverage limit in first paragraph.)</b>	<b>Court</b>
<b>P. Trees, shrubs, and landscaping other than dense hedges with a screening effect; sculpture and similar decorations; flagpoles; unroofed patios and swimming pools; driveways; walkways and detached steps; and utility poles and lines.</b>	In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."
<b>Q. Signs.</b>	In any yard or court, subject to the applicable limitations on Signs.	In any yard or court, subject to the applicable limitations on Signs.	In any yard or court, subject to the applicable limitations on Signs.	In any yard or court, subject to the applicable limitations on Signs.	In any yard or court, subject to the applicable limitations on Signs.
<b>R. Security fences (for Abandoned Fast-Food Facilities)</b>	In any yard or court provided that such facilities:	In any yard or court provided that such facilities:	In any yard or court provided that such facilities:	In any yard or court provided that such facilities:	In any yard or court provided that such facilities:
	1. Shall not exceed eight (8) feet; and	1. Shall not exceed eight (8) feet; and	1. Shall not exceed eight (8) feet; and	1. Shall not exceed eight (8) feet; and	1. Shall not exceed eight (8) feet; and

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
	2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."
S. Living space located completely under driveway ramps	In any yard or court.	In any yard or court.	In any yard or court.	In any yard or court.	In any yard or court.
T. Retaining walls; and earthen mounds, embankments, and other fill.	In any yard or court, provided that such facilities comply with the provisions of Section 17.102.400(E)	In any yard or court, provided that such facilities comply with the provisions of Section 17.102.400(E)	In any yard or court, provided that such facilities comply with the provisions of Section 17.102.400(E)	In any yard or court, provided that such facilities comply with the provisions of Section 17.102.400(E)	In any yard or court, provided that such facilities comply with the provisions of Section 17.102.400(E)

(Ord. 12533 § 3 (part), 2003; Ord. 12376 § 3 (part), 2001; prior planning code § 7090)

**17.108.140 Fences, dense hedges, barrier, and similar freestanding walls**

A. Compliance with Oakland Traffic Code. Notwithstanding other provisions of the Oakland Planning Code, all fences, dense hedges, barrier and similar freestanding walls shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurements at Intersections".

B. Residential zones and Residential Facilities. The provisions of this section apply to all properties located in residential zones, and to all properties located in any zone containing Residential Facilities.

1. Height. In the locations specified below, the height of any fence, dense hedge, or barrier or similar freestanding wall, but excluding retaining walls, shall not exceed the following—(see-~~Illustration-I-15a~~):

a. In any minimum front yard, or any minimum side yard on the street side of a corner lot: forty two (42) inches, except that six (6) feet is permitted in the following cases:

i. In the portions of street side yards located within the greater of the following distances, from the rear lot line:

a) thirty five (35) feet from the rear lot line.

b) the distance between the rear lot line and a line that is perpendicular to the street side lot line and that extends to the rearmost enclosed portion of the primary building on the lot; or

ii. Upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.

b. In any minimum rear yard if within ten (10) feet of a street line that abuts the lot: six (6) feet.

c. In any other minimum yard or court: eight (8) feet; and

d. One entry gateway, trellis or other entry structure may be permitted in the required front setback area of each lot provided the maximum height or width of the facility does not exceed ten (10) feet;

2. Materials. The following materials are restricted in constructing or rebuilding walls or fences:

a. Barbed wire or razor wire is not allowed to be used in fences, see also Section 17.102.420.

b. Chain link fencing is not allowed to exceed forty two (42) inches in height in the following locations:

i. Street-fronting yards; or

ii. Interior side yards if closer to the front lot line than the front wall of the primary Residential Facility.

c. Plain concrete blocks are not allowed as a fencing material unless capped and finished with stucco or other material approved by the Director of City Planning.

C. Commercial zones and in the S-1, S-2, S-3, and S-15 zones. The provisions of this subsection apply to fences, dense hedges, barrier and similar freestanding walls, but excluding retaining walls, located within all commercial zones and in the S-1, S-2, S-3, and S-15 zones.

1. Height:

a. The height of any fence, dense hedge, barrier or similar freestanding wall located within ten (10) feet of any abutting property located in a residential zone shall not exceed eight (8) feet. A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.

b. The maximum height of any fence, dense hedge, barrier, or similar freestanding wall elsewhere on a lot shall be ten (10) feet.

2. Restricted materials. In any location visible from the adjacent public right of way, no barbed wire or razor wire shall be permitted as part of or attached to fences or walls, see also Section 17.102.420.

a. Exceptions: Fences enclosing the following activities shall be exempted from the above limitation on barbed wire and razor wire where the Director of City Planning determines that trespassing



could present a public safety hazard and/or disruption of public utility, transportation, or communication services:

- i. Public utility installations, including but not limited to electrical substations and gas substations.
  - ii. Rights of way and transit routes.
- D. Industrial zones. The provisions of this subsection apply to fences, dense hedges, barrier and similar freestanding walls located within all industrial zoning districts.
1. Height:
    - a. The maximum height of any fence, dense hedge, barrier or similar freestanding wall located within ten (10) feet of any abutting property located within a residential zone shall be eight (8) feet. A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.

(Ord. 12553 § 3 (part), 2003)

## Chapter 17.110

### BUFFERING REGULATIONS

#### 17.110.020 General buffering requirements--Residential and S-1, S-2, S-3, S-13, S-15 and OS zones.

(See illustration I-16.) The following regulations shall apply in all residential zones and in the S-1, S-2, S-3, S-13, S-15 and OS zones, and are in addition to the provisions set forth in Section 17.110.040:

A. Screening and Setback of Open Parking and Loading Areas. The following requirements shall apply in said zones to all open off-street parking areas located on any lot containing three (3) or more independent parking spaces, except in the case of a One-Family Dwelling with Secondary Unit, and to all open off-street loading areas on any lot:

1. Such parking and loading areas shall be screened from all lots abutting the side or rear property lines, except where a maneuvering aisle is shared with one or more abutting lots in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5 ½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.

2. Such parking and loading areas shall also be screened from all abutting streets, alleys, paths, and private streets or other ways described in Section 17.106.020, except where a driveway is located for access, by dense landscaping not less than three and one-half (3 ½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than three and one-half (3 ½) feet high, subject to the standards for required landscaping and screening and the exceptions stated in said chapter.

3. No unroofed parking space or loading berth on such lots shall be located within five (5) feet from any street line or alley.

B. Screening of Open Storage Areas. All open storage of boats, trailers, building materials, appliances, and similar materials shall be screened from all abutting lots abutting the side or rear property lines, and streets, alleys, and paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than five and one-half (5 ½) feet high and not less than three (3) feet high, and/or by a decorative screening fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein.

C. Control on Artificial Illumination of Parking and Loading Areas. Artificial illumination of all off-street parking areas located on any lot containing three or more parking spaces and all off-street parking areas, and of driveways related thereto, except in the case of a One-Family Dwelling with Secondary Unit, shall be directed away from all abutting lots and from any on-site residential living units so as to eliminate objectionable glare.

(Ord. 12501 § 77, 2003; Ord. 12078 § 5 (part), 1998; Ord. 11892 § 9, 1996; prior planning code § 7110)  
(Ord. 12501 § 77, 2003; Ord. 12078 § 5 (part), 1998; Ord. 11892 § 9, 1996; prior planning code § 7110)

#### 17.110.030 General buffering requirements--Commercial and industrial zones.

(See illustration I-17.) The following regulations shall apply in all commercial and industrial zones, and are in addition to the provisions set forth in Section 17.110.040:

A. Screening Along Enfire Lot Line Abutting Residential Zone If Lot in Commercial or Industrial Zone Is Occupied by Commercial, Industrial, or Agricultural or Extractive Activities. Wherever any lot which is located in any commercial or industrial zone and which is occupied by Commercial, Industrial, or Agricultural or Extractive Activities abuts a lot located in any residential zone, it shall be screened from the residentially zoned lot, along the enfire abutting lot line except where a driveway or maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half feet (5 ½) high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5 ½) feet high, subject to the

standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.

B. Screening of Open Parking, Loading, and Storage Areas. All open off-street parking areas located on any lot containing three (3) or more independent parking spaces, and all open off-street loading, storage, sales, display, service, and processing areas on any lot, shall be:

1. Screened from all abutting streets, alleys, paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than three and one-half (3 ½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than three and one-half (3 ½) feet high, except where a driveway is located for access, and except in the case of sales, rental, or display areas occupied by Automotive Sales, Rental, and Delivery Commercial Activities, subject to the standards for required landscaping and screening and the exceptions stated therein; and

2. Screened from any Residential Facilities located on any lot abutting the side or rear property lines, except where a maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5 ½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein; and

3. Screened from any lot abutting the side or rear property lines located in any residential zone, except where a maneuvering aisle is shared with the one or more abutting lots in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5 ½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein.

C. Restrictions on Storage, Repair, and Production in Certain Required Yards. See subsections H and K of Section 17.108.130.

D. Control on Artificial Illumination in Certain Situations. All artificial illumination which is readily visible from any of the Residential Facilities or residentially zoned lots referred to in subsection B of this section shall be directed away from said facilities and lots so as to eliminate objectionable glare. (Prior planning code § 7111)

#### 17.110.040 Special buffering requirements.

A. Open Storage Areas on Same Lot as Residential Facility--Screening Required Within Three Years. In all zones, on any lot which contains both a Residential Facility and any area devoted to open storage or display of goods or materials, said open storage or display area shall be screened from all abutting lots, streets, alleys, and paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than five and one-half (5 ½) feet high and not less than three (3) feet wide, or by a decorative screening fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter. Existing open storage and display areas on such lots shall either be removed or provided with the above prescribed screening within three years after the effective date of the zoning regulations.

B. Screening of Open Parking, Loading, and Storage Areas in the ~~CN-25, C-27, C-28, C-31, C-36, M-10, CR-1, M-20, S-13, and S-15~~ zones. In the ~~CN, CR-1, C-25, C-27, C-28, C-31, C-36, M-10, M-20, S-13, and S-15~~ zones, open parking, loading, and storage areas shall be subject to the same screening and setback requirements as are set forth in subsections storage areas shall be subject to the same screening and setback requirements as are set forth in subsections A and B of Section 17.110.020. Existing nonconforming storage areas in said zones shall be subject to the provisions of Section 17.114.140.

C. Location of Detached Accessory Buildings on Corner Lot Abutting a Key Lot in a Residential Zone. (~~See illustrations 1-13 and 1-17.~~) In all zones, on any reversed corner lot which abuts a key lot located in any residential zone, no detached accessory building shall be located within five (5) feet from the abutting side lot line of the key lot. No detached accessory building on such lot shall be located closer

to the street line on which the key lot fronts than a distance equal to the minimum front yard depth required on the key lot, unless the accessory building is at least thirty-five (35) feet from the side lot line of the key lot. An accessory building shall be considered detached from any principal building on the same lot if the only roofed attachment thereto consists of a breezeway or similar structure exceeding neither twelve (12) feet in height nor eight (8) feet in width.

D. Other Provisions. Also applicable are the special provisions, if any, set forth in the applicable individual zone regulations and development control maps with respect to landscaping and screening and controls on parking, loading, and other specified uses; the requirements set forth in Section 17.102.140 for stables, corrals, and similar facilities; and the screening and other standards prescribed for required usable open space in the standards for required usable open space in Chapter 17.126. (Ord. 11892 § 10, 1996; prior planning code § 7115)

## Chapter 17.112

### HOME OCCUPATION REGULATIONS

#### 17.112.030 Exclusions.

The following activities shall not in any case qualify as home occupations:

- A. Introductory service;
- B. Teaching of organized classes totaling more than six (6) persons at a time;
- C. Accommodation of more than three paying guests within a One-Family Dwelling Residential Facility, or of any number of paying guests within a living unit in any other type of Residential Facility;
- D. Operation of a beauty parlor with more than two hairdrying machines;
- E. Maintenance of a construction contractor's storage or construction yard or garage;
- F. Care, treatment, or boarding of animals for profit. (Prior planning code § 7302)

#### 17.112.050 Required approval.

No home occupation shall be permitted unless the Director of City Planning certifies that it will conform to the home occupation regulations. The Director may fix a termination date upon a home occupation in order to affect a periodic review thereof. The Director's determination shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132. (Prior planning code § 7304)

## Chapter 17.114

### NONCONFORMING USES

#### Article I

##### General Provisions

###### Sections:

- 17.114.010 Title, purpose, and applicability.
- 17.114.020 Definitions.
- 17.114.030 Prior permits.
- 17.114.040 Right to continue nonconforming use, subject to limitations.

#### Article II

##### Nonconforming Activities

###### Sections:

- 17.114.050 Nonconforming activity--Discontinuance.
- 17.114.060 Nonconforming activity--Damage or destruction.
- 17.114.070 Nonconforming activity--Allowed substitutions and other changes in activity.
- 17.114.080 Nonconforming activity--Allowed alterations and extensions.
- 17.114.090 Nonconforming massage service and adult entertainment activities--Discontinuance required within one year.
- 17.114.100 Nonconforming scrap operation commercial activities--Discontinuance required within one year.

#### Article III

##### Nonconforming Facilities

###### Sections:

- 17.114.110 Nonconforming facility--Allowed alterations.
- 17.114.120 Nonconforming facility--Damage or destruction.
- 17.114.130 Nonconforming open storage on same lot as residential facility--Screening required within three years.
- 17.114.140 Nonconforming open storage in C-5, C-25, C-27, C-31, ~~CN~~, ~~G-36CR~~, M-10, and M-20 zones--Screening required within three years.
- 17.114.150 Nonconforming Sign within one thousand feet of, and primarily viewable from, rapid transit route--Removal required for certain categories.
- ~~17.114.160 Nonconforming Signs in S-8 zone--Removal required for certain categories.~~
- 17.114.170 Nonconforming Signs in the CN-31 zones--Removal required.
- 17.114.180 Nonconforming Signs in C-36CR-1 zone--Removal required for certain categories.

#### 17.114.060 Nonconforming activity--Damage or destruction.

A. Nonconforming Nonresidential Activities. Facilities accommodating or serving any nonconforming nonresidential activity which are damaged or destroyed to the extent of not more than seventy-five (75) percent (75%) may be restored to their prior condition and occupancy. If such damage or destruction exceeds seventy-five (75) percent (75%), the facilities may thereafter only be restored to accommodate or serve the prior nonconforming activity upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

C. Nonconforming Residential Activities. Facilities accommodating or serving a nonconforming residential activity which are damaged or destroyed to the extent of not more than seventy-five (75) percent (75%) may be restored to their prior condition and occupancy. If such damage or destruction exceeds seventy-five (75) percent (75%), the facilities may thereafter only be restored to

accommodate or serve the prior nonconforming residential activity provided all of the following conditions are met:

1. That documentation is provided which substantiates that such damage or destruction occurred involuntarily with respect to the owner of said facility or unit(s);
2. That no expansion in the number of living units occurs;
3. That plans for the proposal are approved pursuant to the design review procedure in Chapter 17.136; and
4. That a building permit is sought and obtained no later than two (2) years after the date of the facility's damage or destruction; the facility is repaired or replaced in compliance with the building code; and construction pursuant thereto is diligently pursued to completion.

If all of the preceding requirements are not met, the replacement or restoration of such facilities may only be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. (Ord. 11861 § 7, 1996: prior planning code § 7421)

**17.114.070 Nonconforming activity--Allowed substitutions and other changes in activity.**

A. Activity Nonconforming Because It Is Not a Permitted Activity. The activities specified in the following table may be substituted for any of the indicated activities which is nonconforming wholly or partly because it is not itself a permitted activity where it is located:

Zone	Prior Nonconforming Activity	Activity Which May be Substituted for Prior Activity, Subject to the Provisos Listed Below This Table
Any zone.	Any such activity.	Any activity otherwise permitted or, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, any activity otherwise conditionally permitted in the same location.
Any Residential zone or S-1, S-2, or S-3 zone.	Any such Industrial Activity where it is not a permitted or conditionally permitted activity.	Any Civic-or-Commercial-Activity permitted in the <del>C-10</del> CN-4 zone.
	The following such Commercial Activities where they are not a permitted or conditionally permitted activity:	
	Research Service	(see below)
	General Wholesale Sales	(see below)
	Building Material Sales	(see below)
	Automobile and Other Light Vehicle Sales and Rental	(see below)
	Automotive and Other Light Vehicle Repair and Cleaning	(see below)
	Taxi and Light Fleet-Based Service	(see below)
	Transport and Warehousing	(see below)
	Animal Care	(see below)
	Animal Boarding	(see below)
	Undertaking Service	(see below)
	Scrap Operation	(see below)
		Any Civic-or-Commercial-Activity permitted in the <del>C-35</del> CC-2 zone.
	The following such Commercial Activities where they are not a permitted or conditionally permitted activity:	
	General Food Sales	(see below)
	Full Service Restaurant	(see below)
	Limited Service Restaurant and Café	(see below)
	Convenience-MarketFast-Food Restaurant	(see below)
	Fast-Food-Restauram Convenience Market	(see below)
	Alcoholic Beverage Sales	(see below)

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Zone	Prior Nonconforming Activity	Activity Which May be Substituted for Prior Activity, Subject to the Provisos Listed Below This Table
	Mechanical or Electronic Games	(see below)
	General Retail Sales	(see below)
	Consumer Service	(see below)
	Consumer Cleaning and Repair Service	(see below)
	Consumer Dry Cleaning Plant	(see below)
	Group Assembly	(see below)
	Personal Instruction and Improvement and Small Scale Entertainment	(see below)
	Business, Communication, and Media Service	(see below)
	Broadcasting and Recording Service	(see below)
		Any Commercial Activity permitted in the <del>C-10</del> CN-4 zone.
	The following such Commercial Activities where they are not a permitted or conditionally permitted activities:	
	Medical Service	(-see below)
	Consultative and Financial Service	(see below)
	Administrative	(see below)
		Administrative Civic Activities. Administrative Commercial Activities. Medical Service. Consultative and Financial Service.
	Any other Commercial Activity where it is not a permitted or conditionally permitted activity.	Any Commercial Activity permitted in the <del>C-35</del> CC-2 zone.
Any Commercial zone.	Any Industrial Activity where it is not a permitted or conditionally permitted activity.	Any Commercial Activity permitted in the C-45CC-2 zone.
Any Industrial zone.	Any such Commercial Activity where it is not a permitted or conditionally permitted activity.	Any Commercial Activity permitted in the <del>C-35</del> CC-2 zone.

Changes that do not constitute substitutions may be made in any activity which is nonconforming wholly or partly because it is not itself a permitted activity where it is located. The above substitutions and other changes may be made without regard for requirements on off-street parking and loading, conduct of activities within enclosed buildings, means of customer access, and total floor area which normally apply to activities, except as otherwise provided in Section 17.116.020C. However:

1. If the nonconforming activity is itself conditionally permitted where it is located, no substitution or other change shall be made in it which would conflict with, or further conflict with, any requirement on off-street parking or loading, conduct of activities within enclosed buildings, means of customer access, or total floor area which normally applies to activities. (Changes which are allowed by Section 17.116.020B shall not be deemed to conflict or further conflict with the parking or loading requirements.)

2. Conversions of dwelling units to use by a nonresidential activity shall be subject, where applicable, to the provisions of Section 17.102.230.

3. If the nonconforming activity is located at ground level on any lot in the ~~CN-1 or CN-2 C-5, C-27, C-28, C-31, or S-9~~ zone, or on the ground floor of any building within the first twenty (20) feet thereof facing the abutting street or streets in the ~~S-8~~ zone, or anywhere in the ~~S-16~~ zone, no change shall be made in the nature as such of the particular activity, except when the result is itself permitted in the same location, unless a conditional use permit is granted pursuant to the conditional use permit procedure. This does not restrict a change in ownership, tenancy, or management where the previous line of business or other function is not changed.



4. For any nonconforming Alcoholic Beverage Sales Commercial Activity presently located in any zone in which it is not a permitted activity, no change shall be made in the activity which change requires obtaining a different type of alcoholic beverage sale retail license from the state of California Department of Alcoholic Beverage Control. Further, no change shall be made in any nonconforming activity involving the sale of alcoholic beverages at a full service restaurant in any location described by Section 17.102.210(B)(2), which change requires obtaining a different type of alcoholic beverage sale retail license from the state of California Department of Alcoholic Beverage Control, unless a conditional use permit is granted pursuant to the conditional use permit procedure in Chapter 17.134.

5. No substitution or other change shall be made in any nonconforming activity which would conflict, or further conflict, with any applicable provision of the performance standards in Chapter 17.120, or of any kind of requirement not mentioned hereinabove which applies to activities.

6. In cases of discontinuance, damage, or destruction, the pertinent provisions of Sections 17.114.050 or 17.114.060 shall also apply.

If the activity resulting from a change allowed above is not a normally permitted and otherwise conforming activity, and is not authorized by a conditional use permit or other special zoning approval, it shall be deemed a nonconforming activity and changes in it shall be subject to this section.

B. Activity Nonconforming for Other Reasons. Except as otherwise provided in Sections 17.114.050 and 17.114.060, an activity which is itself permitted or, upon the granting of a conditional use permit pursuant to the conditional use permit procedure, an activity which is itself conditionally permitted may be substituted for any activity which is itself a permitted activity where it is located and which is nonconforming only as to applicable off-street parking or loading requirements, performance standards, or other requirements applying to activities. Changes other than substitutions may also be made in such activities. However, no substitution or other change shall be made which would create any new nonconformity, or increase any existing nonconformity, with respect to said requirements. (Changes which are allowed by Section 17.116.020B shall not be deemed to conflict or further conflict with the parking or loading requirements.) If the activity resulting from the change does not meet such requirements, and is not authorized by a conditional use permit or other special zoning approval, it shall be deemed nonconforming and changes in it shall be subject to this subsection. (Ord. 12289 § 4 (part), 2000; Ord. 12016 § 2 (part), 1997; prior planning code § 7422)

~~17.114.080~~ Nonconforming activity--Allowed alterations and extensions.

A. Nonresidential Activity Nonconforming Because It Is Not a Permitted Activity. Except as otherwise provided in Section 17.114.060, a nonresidential activity which is nonconforming wholly or partly because it is not itself a permitted activity where it is located may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed, subject to the requirements normally applying to uses where the activity is located and subject to the following provisions and exceptions:

1. Except as otherwise provided in subsection (A)(3) of this section, the floor area and overall outside dimensions of any building, or portion thereof, devoted to such activity shall not be increased; no open parking, loading, sales, display, service, production, or storage area accommodating or serving such activity shall be relocated or increased in size; and no such building or open area shall be wholly reconstructed. However, in the case of an establishment classified as an Alcoholic Beverage Sales Commercial Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment may be increased as long as the amount of space actually devoted to the sale of alcoholic beverages is not increased by more than twenty (20) percent of that already existing. See 17.15.01 (L4), 17.17.01 (L4), and 17.19.01 (L7) for restrictions to this allowable expansion in the RD, RM, and RU zones.

2. In the case of an establishment classified as an Alcoholic Beverage Sales Commercial Activity, the percentage of actual floor area devoted to the sale of alcoholic beverages shall not be increased by more than twenty (20)-percent (20%) of that already existing, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

3. New, wholly reconstructed, enlarged, or relocated structures or open areas devoted to off-street parking or loading serving such activity may be provided wherever Automotive Fee Parking Commercial Activities are permitted or, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, wherever Automotive Fee Parking Commercial Activities are conditionally permitted. In residential zones, such facilities for off-street parking may be provided in the situations, and subject to the conditions, prescribed in Section 17.102.100.

4. New Signs may be provided for such activity, but the aggregate area of display surface of all Signs serving such activity shall not be increased. All Signs shall be subject to the limitations, other than aggregate area of display surface, normally applying to Signs where they are located.

5. During any five-year period, beginning on or after the effective date of the zoning regulations or of any subsequent rezoning or other amendment thereto which makes such activity thus nonconforming, the aggregate cost of all alterations for which a building or sign permit is required, and which are intended for any activity subject to this subsection, shall not exceed twenty-five (~~25~~)-percent (25%) of the replacement cost, as estimated by the Building Services Department, of the facilities accommodating or serving such activity at the beginning of said period. However, the cost of alterations ordered by any governmental agency or permitted by Section 17.114.060 shall be exempt from said maximum cost.

6. No facility accommodating a nonconforming Automobile and Other Light Vehicle Gas Station and Servicing or Automotive and Other Light Vehicle Repair and Cleaning Commercial Activity shall be altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.

7. A nonconforming Automobile and Other Light Vehicle Gas Station and Servicing or Automotive and Other Light Vehicle Repair and Cleaning Commercial Activity in the HBX-I zone may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the regular design review procedure in Chapter 17.136. This conditional use permit and design review approval may be granted only upon determination that the proposal is adequately buffered from the street and surrounding residential activities through landscaping and fencing.

B. Residential Activity Nonconforming Because It Is Not a Permitted Activity. Except as otherwise provided in Section 17.114.060, a Residential Activity which is nonconforming wholly or partly because it is not itself a permitted activity where it is located may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed, subject to the following provisions:

1. The number of living units shall not be increased.

2. The amount of added or wholly reconstructed floor area devoted to such activity shall not exceed in the aggregate twenty (~~20~~)-percent (20%) of that already existing on the affected lot. If a new or wholly reconstructed floor area is developed, usable open space shall be provided for all living units on the lot in the amount required therefor-in the R-60U-2 zone.

3. Existing usable open space shall not be reduced below, or if already less than shall not be reduced further below, the usable open space requirements applying in the RU-260 zone.

4. All alterations and other changes shall conform to, or not further conflict with, the minimum yard and court and maximum height requirements and the limitations on Signs generally applying in the RM-~~350~~ zone, as well as to the requirements generally applying to uses where the activity is actually located.

C. Activity Nonconforming for Other Reasons. Except as otherwise provided in Section 17.114.060, any activity which is itself a permitted activity where it is located and which is nonconforming only as to off-street parking or loading requirements, performance standards, or other requirements applying to activities may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed, in any way which does not result in a greater degree of nonconformity with respect to such requirements and which conforms to the requirements normally applying to uses where the activity is located. (Ord. 12240 § 8, 2000; prior planning code § 7423)

**17.114.100 Nonconforming scrap operation commercial activities--Discontinuance required within one year.**

Within one (1) year after the effective date of this section or of any subsequent rezoning which makes an existing Scrap Operation Commercial Activity a nonconforming activity, all nonconforming Scrap Operation Commercial Activities located within a residential zone or within one hundred (100) feet of a residential zone and which wholly or partially occupy an open facility shall be discontinued or may continue only upon the granting of a conditional use permit, pursuant to the conditional use permit procedure in Chapter 17.134; provided, however, that if the proposal does not conform to the use permit criteria at Section 17.134.050, but as an alternative a finding is made that the activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, then a conditional use permit shall be granted for a period not to exceed two (2) additional years. (Prior planning code § 7426)

**17.114.110 Nonconforming facility--Allowed alterations.**

A. When Occupied by Conforming Activity. Except as otherwise provided in Section 17.114.120, a nonconforming facility which accommodates or serves a conforming activity may be altered or otherwise changed, and the lot lines of the lot containing it may be changed, in any way which does not create any new nonconformity or increase the degree of any existing nonconformity with respect to any requirement applying to facilities. Any new, relocated, or wholly reconstructed part of a facility shall itself conform to all applicable such requirements. Nonconforming Residential Facilities containing a total of more than one living unit on a lot, when located in a zone where only one living unit is permitted on a lot, shall be subject to the requirements generally applying in the RU-2-60 zone with respect to side yards opposite living room windows; courts; and usable open space. Nonconforming Nonresidential Facilities which are not themselves permitted facility types in the zone where they are located shall not be increased in floor area or overall outside dimensions; relocated, except to remove a nonconformity; or wholly reconstructed.

B. When Occupied by Nonconforming Activity. Except as otherwise provided in Section 17.114.120, a nonconforming facility which accommodates or serves a nonconforming activity may be altered or otherwise changed, and the lot lines of the lot containing it may be changed, subject to the conditions of Section 17.114.080 as well as those of subsection A of this section. In such a case, new Signs of a type not otherwise permitted may be developed as authorized by subsections A and B of Section 17.114.080.

C. Conversion from Advertising Sign in the ~~CN, CR-1, C-5, C-27, C-31, C-36, S-8, or S-15~~ Zones. No nonconforming Advertising Sign in the ~~C-5, C-27, C-31, C-36, S-8~~ CN, CR-1, or S-15 zones shall be converted, by change of copy or otherwise, to any other type of Sign unless the entire Sign as converted meets all the requirements of said zone for a new Sign, including design review approval.

D. Conversion from Advertising Sign Within One Thousand (1,000) Feet of, and Primarily Viewable from, Rapid Transit Route. No Advertising Sign shall be converted, to any other type of Sign unless the Sign as converted is approved, in a content-neutral manner, pursuant to the design review procedure in Chapter 17.136 and the provisions of Section 17.104.040A. (Ord. 12146 § 2, 1999; Ord. 12073 § 2, 1998; Ord. 11892 § 11, 1996; prior planning code § 7430)

**17.114.120 Nonconforming facility--Damage or destruction.**

A. Nonconforming Nonresidential Facilities. Nonconforming nonresidential facilities which are damaged or destroyed to the extent of not more than seventy-five (75) percent (75%) may be restored to their prior condition and occupancy. If such damage or destruction exceeds seventy-five (75) percent

(75%), the facilities may thereafter only be restored to their prior condition upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

**B. Nonconforming Residential Facilities.** Nonconforming residential facilities which are damaged or destroyed to the extent of not more than seventy-five (75) percent (75%) may be restored to their prior condition. If such damage or destruction exceeds seventy-five (75) percent (75%), the facilities may thereafter be restored to their prior condition provided all of the following conditions are met:

1. That documentation is provided which substantiates that such damage or destruction occurred involuntarily with respect to the owner of said facility or unit(s);
2. That no expansion in the number of living units occurs;
3. That plans for the proposal are approved pursuant to the design review procedure in Chapter 17.136; and
4. That a building permit is sought and obtained no later than two (2) years after the date of the facility's damage or destruction; the facility is repaired or replaced in compliance with the building code; and construction pursuant thereto is diligently pursued to completion.

If all of the preceding requirements are not met, the replacement or restoration of such facilities may only be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. (Prior planning code § 7431)

**17.114.140 Nonconforming open storage in CN, CR-IC-5, C-25, C-27, C-31, C-36, M-10, and M-20 zones--Screening required within three years.**

In the C-5, C-25, C-27, C-31, C-36, CN, CR-1, M-10, and M-20 zones, all open storage areas shall, within three years after inclusion in said zones, be either removed or made to conform to the screening requirements of Section 17.110.040B. (Prior planning code § 7433)

~~17.114.160 Nonconforming Signs in S-8 zone--Removal required for certain categories.~~

~~A. Basic Requirements. Within the indicated time periods, and except as otherwise provided in subsection B of this section, all nonconforming Signs in the following categories shall be removed, relocated, or otherwise changed so as to conform. See also Section 17.144.110C.~~

Category	Age of Signs	Time Period
Any moving Sign:	Any age:	Three years after inclusion in the S-8 zone:
Any Sign which is painted on a building wall and which is nonconforming with respect to any provision of Section 17.86.120:	Any age:	Three years after inclusion in the S-8 zone:
Any other Sign which:	More than 10 years:	Three years after inclusion in the S-8 zone:
1. Has flashing illumination and is located north of 14th Street; or		
2. Projects more than six feet beyond a street line, except where the Sign extends up at least 40 feet of a 60-foot or more high building wall to which it is attached, and except where the Sign is on a marquee, awning, or canopy; or	Five to nine years:	Four years after inclusion in the S-8 zone:

Category	Age of Signs	Time Period
3. Is located on or otherwise extends above the roof line or parapet wall of the building to which it is attached and has a height, including supports, exceeding 30 percent of the height of the building or adjacent portion thereof.	Less than five years.	Five years after inclusion in the S-8 zone.

~~— B. — Exception. The Director of City Planning may allow permanent retention of any Sign listed in subsection A of this section upon determination by him or her that the Sign is of high quality or definite historic or cultural value, in scale with its surroundings, not detrimental to other properties, and not so located that it will conflict with trees or other features in the street area. The Director's determination shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132. (Ord. 12073 § 4, 1998; prior planning code § 7435)~~

**17.114.170 Nonconforming Signs in CN-1-34 zone--Removal required.**

A. Basic Requirements. Within the time periods indicated below for the specified categories, and except as otherwise provided in subsection B of this section, all nonconforming Signs shall be removed, relocated, or otherwise changed so as to conform. See also Section 17.114.110C.

Category	Time Period
Any pennants, streamers, propellers, and similar devices.	One year after inclusion in the CN-1-34 zone.
Any other Sign which is nonconforming with respect to any provision of Section 17.148.110.	Three years after inclusion in the CN-1-34 zone.

The Director's determination shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132. (Ord. 12073 § 5, 1998; prior planning code § 7436)

**17.114.180 Nonconforming Signs in CR-1-36 zone--Removal required for certain categories.**

Within three years after inclusion in the CR-1-36 zone, all nonconforming pennants, streamers, propellers, and similar devices shall be removed, relocated, or otherwise changed so as to conform. (Ord. 12073 § 6, 1998; prior planning code § 7437)

## Chapter 17.116

### OFF-STREET PARKING AND LOADING REQUIREMENTS

#### 17.116.060 Off-street parking--Residential Activities.

Residential Facility Type	Zone	Requirement
One-Family Dwelling.	<u>R-1, R-10, R-20, R-30RH and RD zones</u> , except when combined with the S-12 zone.	Two (2) spaces for each dwelling unit; however, in the S-11 zone, the requirement shall be one space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit.
	<u>RM-1</u> , except when combined with the S-12 zone.	<u>One and one-half (1 ½) (1.5) spaces for each dwelling unit.</u>
	<u>RM-2 zone</u>	<u>One (1) space for each dwelling unit when lot is less than 4,000 square feet in size and/or 45 feet in width, except when combined with the S-12 zone.</u>  <u>One and one-half (1 ½) spaces for each dwelling unit when lot is 4,000 square feet or more in size and/or 45 feet in width, except when combined with the S-12 zone.</u>
	<u>R-35, R-36, R-40</u> , except when combined with the S-12 zone.	<u>One and one-half spaces for each dwelling unit</u>
	<u>R-36</u> , when lot is less than 4,000 square feet in size and/or 45 feet in width, except when combined with the S-12 zone.	<u>One space for each dwelling unit.</u>
	<u>C-28</u> , except as provided by Section 17.44.200.	<u>One space for each dwelling unit.</u>
	<u>CBD-P zone</u> (when combined with the S-7 zone), except when combined with the S-12 zone.	No spaces required.
	<u>S-15 zone</u> , except when combined with the S-12 zone.	<u>One-half (½) -space for dwelling unit.</u>
	Any other zone, except when combined with the S-12 zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 zone.	See Section 17.94.040.

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Residential Facility Type	Zone	Requirement
One-Family Dwelling with Secondary Unit.	<del>R-1, R-10, R-20, R-30, R-35, R-36, R-40</del> RH, RD, RM-1, and RM-2 zones, except when combined with the S-12 zone.	One (1) space for the secondary unit unless the lot already contains a total of at least three (3) spaces; however, in the S-11 zone the requirement shall be one (1) space for each bedroom in any secondary unit, up to a maximum requirement of two (2) spaces per secondary unit. See Section 17.102.360.
	<del>All other zones, R-50, R-60, R-70, R-80, R-90, CBD-R, C-5, C-10, C-20,</del> except when combined with the S-12 zone.	One (1) space for the secondary unit unless the lot already contains a total of at least two (2) spaces; however, in the S-11 zone the requirement shall be one (1) space for each bedroom in any secondary unit, up to a maximum requirement of two (2) spaces per secondary unit. See Section 17.102.360.
	Any zone combined with the S-12 zone.	See Section 17.94.040.
Two-Family Dwelling. Multifamily Dwelling.	<del>RD-2, RM-1, RM-2</del> R-30, R-35, R-36, R-40, zones, except when combined with the S-12 zone.	One and one-half (1 ½) spaces for each dwelling unit.
	<del>C-28, except as provided by Section 17.44.200.</del>	One space per dwelling unit.
	CBD-P zone (when combined with the S-7 zone), except when combined with the S-12 zone.	No spaces required.
	S-15 zone, except when combined with the S-12 zone.	One-half (½) space for each dwelling unit.
	Any other zone, except when combined with the S-12 zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 zone.	See Section 17.94.040.
Rooming House.	CBD-P zone (when combined with the S-7 zone).	No spaces required.
	Any other zone.	One (1) space for each two rooming units.
Mobile Home.	CBD-P zone (when combined with the S-7 zone).	No spaces required.
	Any other zone.	One (1) space for each living unit plus one (1) additional space for each four living units.
Bed and Breakfast	Any zone.	One (1) space for each two units plus the required parking for a One-Family dwelling in the underlying zone.

**17.116.070 Off-street parking--Civic Activities.**

Except as otherwise provided in Sections 17.44.200, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Civic Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated numbers of employees or doctors, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. Essential Service. Limited Childcare.	S-15 <u>zone</u> .	--	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	--	No spaces required.
B. Community Assembly and Recreational Assembly: playgrounds and playing fields; concessions located in public parks; temporary nonprofit festivals.	CBD-P <u>zone</u> (when combined with the S-7 zone).	--	No spaces required.
	S-15 <u>zone</u> .	--	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
Private non-profit clubs and lodges.	S-15 <u>zone</u> .	--	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	--	No spaces required.
Churches and all other.	CBD-P <u>zone</u> (when combined with the S-7 zone).	--	No spaces required.



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Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	C-45, <del>C-51</del> , CBD-P (except when combined with the S-7 zone), CBD-C, CBD-X, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 20 seats or for each 150 square feet area where seats are not fixed, in principal meeting rooms.
	C-5, C-10, C-28, C-31, <del>C-35</del> , CN zones	Total of 75 seats or 750 square feet of floor area where seats are not fixed, in principal meeting rooms.	One (1) space for each 15 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
	S-15 zone.	--	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	Total of 75 seats, or 750 square feet of floor area where seats are not fixed in principal meeting rooms.	One (1) space for each 10 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
C. Community Education: high schools.	<del>C-55</del> , CBD-P, CBD-C, and CBD-X zones.	-	No spaces required.
	S-15 zone.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One (1) space for each three employees plus one space for each 10 students of planned capacity.
all others.	<del>C-55</del> , CBD-P, CBD-C, and CBD-X zones.	-	No spaces required.
	S-15 zone.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One (1) space for each three employees.

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Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
D. Nonassembly Cultural Administrative.	<del>C-55</del> , CBD-P, CBD-C, and <u>CBD-X zones</u>	-	No spaces required.
	C-45, and <del>C-51</del> , S-2 <u>zones.</u>	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	<del>C-5</del> , <del>C-10</del> , <del>C-28</del> , <del>C-31</del> , <del>C-35</del> . <u>CN zones</u>	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	S-15 <u>zone</u>	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
E. Health Care: hospitals.	CBD-P <u>zone</u> (only when combined with the S-7 zone)	-	No spaces required.
E. Health Care: hospitals.	C-45, <del>C-51</del> , <del>C-55</del> , CBD-P (only if not combined with the S-7 zone), CBD-C, CBD-X, and S-2 <u>zones.</u>	No minimum.	One (1) space for each staff or regular visiting doctor.
	S-15 <u>zone.</u>	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One (1) space for each four beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
clinics.	CBD-P <u>zone</u> (only when combined with the S-7 zone)	-	No spaces required.
	C-45, <del>C-51</del> , <del>C-55</del> , CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, and S-2 <u>zones.</u>	No minimum.	One (1) space for each staff or regular visiting doctor.

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Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	S-15 <u>zone</u> .	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	Three (3) spaces for each staff or regular visiting doctor plus one (1) space for each two other employees.
all other.	CBD-P <u>zone</u> (only when combined with the S-7 zone).	-	No spaces required.
	C-45, C-51, <del>C-55</del> , CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, and S-2 <u>zones</u> .	No minimum.	One (1) space for each staff or regular visiting doctor.
	S-15 <u>zone</u> .	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One (1) space for each six beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
F. Utility and Vehicular.	<del>C-55</del> , CDB-P, CBD-C, and CBD-X <u>zones</u> .	-	No spaces required.
	C-45, <del>C-51</del> , and S-2 <u>zones</u> .	10,000 square feet of floor area.	One (1) space for each vehicle used in connection with the activities.
	S-15 <u>zone</u> .	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each three employees plus one space for each vehicle used in connection with the activities.

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
G. Extensive Impact: colleges and universities.	C-55, CBD-P, CBD-C, and CBD-X zones.	-	No spaces required.
	S-15 zone.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One (1) space for each three employees plus one space for each six students of planned capacity.
all other.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.
	S-15 zone.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.

(Ord. 12138 § 4 (part), 1999; Ord. 11892 § 13, 1996: prior planning code § 7512)

**17.116.080 Off-street parking--Commercial Activities.**

Except as otherwise provided in Sections 17.44.200, 17.101.090, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Commercial Activities when located in the indicated zones and occupying facilities of the specified sizes, or having the indicated numbers of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café.	C-55, CBD-P, CBD-C, CBD-X, and S-15 zone.	--	No spaces required.
Convenience Market. Alcoholic Beverage Sales.	C-45 and C-51, S-2 zones.	3,000 square feet of floor area.	One (1) space for each 450 square feet of floor area.

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Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	<del>C-5, C-10, C-28, C-31, C-35-CN zones</del>	3,000 square feet of floor area.	One (1) space for each 300 square feet of floor area.
	Any other zone.		One (1) space for each 200 square feet of floor area.
B. Mechanical or Electronic Games.			
Medical Service.			
General Retail Sales, except when sales are primarily of bulky merchandise such as furniture or large appliances.			
Consumer Service.			
Consumer Cleaning and Repair Service, except when services consists primarily of repair or cleaning of large items such as furniture or carpets.			
General Wholesale Sales, whenever 50 percent or more of all sales on the lot are at retail.			
Undertaking Service.	<del>G-55, CBD-P, CBD-C, CBD-X, and S-15 zones.</del>	--	No spaces required
	<del>C-45 and C-51, S-2 zones.</del>	1,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	<del>C-5, C-10, C-28, C-31, C-35CN zones</del>	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 400 square feet of floor area.
C. Consultative and Financial Service.			
Administrative.			
Business, Communication, and Media Service.			
Broadcasting and Recording Service			

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Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
Research Service.			
	<del>C-55</del> , CBD-P, CBD-C, CBD-X, and S-15 zones.	-	No spaces required.
	C-45, and <del>C-51</del> , S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	C-5, C-10, C-28, C-31, <del>C-35</del> . CN zones	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
D. General Wholesale Sales, whenever less than 50 percent of all sales on the lot are at retail.			
Building Material Sales.			
Automotive Sales and Service.			
Automobile and Other Light Vehicle Sales and Rental.			
	<del>C-55</del> , S-15 zone	--	No spaces required
	C-45, <del>C-51</del> , CBD-P, CBD-C, CBD-X, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three employees, whichever requires fewer spaces.
	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three employees, whichever requires fewer spaces.
E. Group Assembly, Personal Instruction and Improvement and Small Scale Entertainment.	<del>C-55</del> , CBD-P, CBD-C, CBD-X, and S-15 zones.	-	No Spaces required.

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Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	C-45, <del>and C-51</del> , S-2 zones.	10,000 square feet of floor area.	One (1) space for each 16 seats in indoor places of assembly with fixed seats, plus one space for each 160 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly area.
	C-5, C-10, C-28, C-31, <del>C-35</del> CN zones	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one (1) space for each 80 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
	Any other zone.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one space for each 80 feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
F. Transient Habitation.	CBD-P (only when combined with the S-7 zone), and S-15 zones.	-	No spaces required.

Exhibit A: Code Amendments  
 3/15/11 City Council

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	<del>C-55</del> , CBD-P, CBD-C, and CBD-X zones.	No minimum.	One (1) space for each unit in a motel and one (1) space for each two units in a hotel.
	Any other zone.	No minimum.	One (1) space for each unit in a motel and three (3) spaces for each four units in a hotel.
<b>G. General Retail Sales, when ever sales are primarily of bulky merchandise such as fumiture or large appliances.</b>			
Consumer Cleaning and Repair Service, whenever services consist primarily of repair or cleaning of large items such as furniture or carpets.			
Animal care and Animal Boarding.	<del>C-55</del> , CBD-P, CBD-C, CBD-X, and S-15 zones.	--	No spaces required.
	C-45 and; <del>C-55</del> , S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
<b>H. Automobile and Other Light Vehicle Gas Station and Servicing.</b>			
Automotive and Other Light Vehicle Repair and Cleaning.			
Automotive Fee Parking.	<del>C-55</del> , CBD-P, CBD-C, CBD-X, and S-15 zones.	--	No spaces required.
	C-45 and; <del>C-55</del> , S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
	Any other zone.	No minimum.	One (1) space for each 1,000 square feet of floor area.



Exhibit A: Code Amendments  
 3/15/11 City Council

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
<b>I. Transport and Warehousing.</b>	<del>C-55</del> , CBD-P, CBD-C, CBD-X.	--	No spaces required.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing, or sales area.	One <u>(1)</u> space for each three employees.
<b>J. Scrap Operation.</b>	<del>C-51</del> , <del>C-55</del> , CBD-P, CBD-C, and CBD-X zones.	-	No spaces required.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing or sales area.	One <u>(1)</u> space for each <b>2,000</b> square feet of floor area, or for each three employees, whichever requires more spaces; provided that in the case of Scrap Operation Commercial Activities whenever storage and sale, from the premises, or dismantling or other processing of used or waste materials which are not intended for reuse and their original form, when the foregoing are not a part of a manufacturing operation, occupy less than 50 percent <u>(50%)</u> of the floor and open area of the firm on a single lot, the parking requirement shall be as prescribed for the other activities engaged in by the same firm on the same lot.
<b>K. Fast-Food Restaurant.</b>	<del>C-55</del> , CBD-P, CBD-C, CBD-X, and S-15 zones.	-	No spaces required.
	C-45 zone; <del>C-51</del> .	10,000 square feet of floor area.	One <u>(1)</u> space for each 450 square feet of floor area.

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	<del>C-28, C-31, C-35, CN and S-2 zones.</del>	2,000 square feet of floor area.	One (1) space for each 300 square feet of floor area.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 200 square feet of floor area.

(Ord. 12289 § 4 (part), 2000; Ord. 11892 § 14, 1996: prior planning code § 7513)

**17.116.090 Off-street parking-- Industrial Activities.**

Except as otherwise provided in Sections 17.101.090, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.040, the following amounts of off-street parking are required for all Industrial Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated number of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Zone	Minimum Total Size for Which Parking Required	Requirement
<del>C-55, CBD-P, CBD-C, CBD-X, and S-15 zones.</del>	-	No spaces required.
C-45, <del>C-51, S-2.</del>	10,000 square feet of floor area.	One (1) space for each 1,500 square feet of floor area or for each three employees, whichever requires more spaces.
Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,500 square feet of floor area or for each three employees, whichever requires more spaces.

(Ord. 12289 § 4 (part), 2000; Ord. 11892 § 15, 1996: prior planning code § 7514)

**17.116.100 Off-street parking--Agricultural and Extractive Activities.**

Except as otherwise provided in Sections 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Agricultural and Extractive Activities when located in the indicated zones and occupying facilities of the specified sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Zone	Minimum Total Size for Which Parking Required	Requirement
<del>C-55, CBD-P, CBD-C and, CBD-X zones.</del>	-	No spaces required.
C-45, <del>C-51, and S-2 zones.</del>	10,000 square feet of floor area and outdoor sales or display area.	One (1) space for each 1,000 square feet of floor area and outdoor sales or display area.

Zone	Minimum Total Size for Which Parking Required	Requirement
Any other zone.	5,000 square feet of floor area and outdoor sales or display area.	One (1) space for each 1,000 square feet of floor area and outdoor sales or display area.

(Prior planning code § 7515)

**17.116.110 Special exemptions to parking requirements.**

The provisions of this section shall apply to all activities in all zones except Residential Activities occupying One-Family, Two-Family or Multifamily Residential Facilities located within the S-12 residential parking combining zone, where the provisions of Section 17.94.040 shall apply.

A. Discretionary Reduction for Senior Citizen Housing and Dormitories. In senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, or in a dormitory, fraternity, or similar facility, the number of parking spaces prescribed in Section 17.116.060 may be reduced by not to exceed seventy-five (75)-percent (75%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the proposal conforms to the use permit criteria set forth in subsections A or B, and C of this section:

1. In the case of senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, that such occupancy is guaranteed, for a period of not less than fifty (50) years, by appropriate conditions incorporated into the permit;

2. In the case of a dormitory, fraternity, or similar facility, that the occupants are prevented from operating a motor vehicle because they are not of driving age or by other special restriction, which limitation of occupancy by nonqualifying drivers is assured by appropriate conditions incorporated into the permit;

3. That due to the special conditions referred to above, and considering the availability, if any, of public transportation within convenient walking distance, the reduced amount of parking will be adequate for the activities served, and that the reduction will not contribute to traffic congestion or impair the efficiency of on-street parking.

B. Discretionary Reduction of Total Requirements with Shared Parking Area. For a joint off-street parking area which serves two or more nonresidential activities in any zone, or Residential Activities in the ~~R-90, C-28, C-31, CN, C-45, or CBD-R, C-51, C-55, CBD-P, CBD-C, or CBD-X~~ zones, and which meets the conditions set forth in Section 17.116.180, the total parking requirement for the sharing activities may be reduced by not to exceed fifty (50)-percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the typical utilization of the parking area would be staggered to such an extent that the reduced number of spaces would be adequate to serve all such activities.

C. Discretionary Waiver or Reduction in Districts Providing Common Parking Areas. The off-street parking requirements specified above for nonresidential activities in any zone, or for Residential Activities in the ~~R-90, C-28, C-31, CN, C-45, C-51, C-55, CBD-R, CBD-P, CBD-C, or CBD-X~~ zones, may be waived or reduced by the Director of City Planning when said activities are located within a municipal parking district or assessment district the function of which is to provide off-street parking, upon a finding that, in consideration of existing or prospective municipal parking facilities, such waiver or reduction would not substantially contribute to traffic congestion or impair the efficiency of on-street parking. Any determination on such waiver or reduction shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132. (Prior planning code § 7519)

**Article III**  
**Off-Street Loading Requirements**

**17.116.120 Off-street loading--Residential Activities.**

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for Residential Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration 1-18.)

Total Floor Area of Facilities Occupied Requirement	Requirement
Less than 50,000 square feet.	No berth required.*
50,000--149,999 square feet.	One (1) berth.*
150,000--299,999 square feet.	Two (2) berths.*
Each additional 300,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*

\*Off-street loading is not required in CBD-P zone when combined with the S-7 zone. (Prior planning code § 7521)

**17.116.130 Off-street loading--Civic Activities.**

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for the specified Civic Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration 1-18.)

Civic Activity and Total Floor Area of Facilities Occupied	Requirement
<b>A. Community Assembly Community Education, Nonassembly Cultural, Health Care, or Administrative, occupying the following floor are:</b>	
Less than 50,000 square feet.	No berth required.*
50,000--149,999 square feet.	One (1) berth.*
150,000--299,999 square feet.	Two (2) berths.*
Each additional 100,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
<b>B. Utility and Vehicular or Extensive Impact.</b>	A number of berths to be prescribed by the Director of City Planning pursuant to Section 17.116.040*
<b>C. All other Civic Activities.</b>	No berths required.

\*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone. (Prior planning code § 7522)

**17.116.140 Off-street loading--Commercial Activities.**

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for the specified Commercial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration 1-18.)

Commercial Activity and Total Size of Facilities Occupied	Requirement
<b>A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, <del>Fast-Food Restaurant</del>, Convenience Market, <del>Fast-Food-Restaurant</del>, Alcoholic Beverage Sales, Consumer Service, General Retail Sales, Consumer Cleaning and Repair Service, Group Assembly, Personal Instruction and Improvement and Small Scale Entertainment Business, Communication, and Media Service, Broadcasting and Recording Service, Research Service, General Wholesale Sales, Building Material Sales, Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing, Automotive and Other Light Vehicle Repair and Cleaning, Transport and Warehousing, Animal Care, or Animal Boarding occupying facilities with the following floor area:</b>	
Less than 10,000 square feet.	No berths required.*
10,000--24,999 square feet.	One (1) berth.*
25,000--49,999 square feet.	Two (2) berths.*
50,000--99,999 square feet.	Three (3) berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
<b>B. Mechanical or Electronic Games, Medical Service, Consumer Service, Consultative and Financial Service, Administrative, or Transient Habitation, occupying facilities with the following floor area:</b>	
Less than 50,000 square feet.	No berths required.*
50,000--149,999 square feet.	One (1) additional berth.*
150,000--299,999 square feet.	One (1) berth.*
Each additional 300,000 square feet or fraction of one-half or more thereof.	Two (2) berths. One (1) additional berth.*
<b>C. Undertaking Service, occupying facilities with the following floor area:</b>	
Less than 2,500 square feet.	No berths required.*
2,500--24,999 square feet.	One (1) berth.
25,000--49,999 square feet.	Two (2) berths.*
50,000--99,999 square feet.	Three (3) berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
<b>D. Scrap Operation, occupying facilities with the following amounts of floor area and outdoor storage, processing, or sales area:</b>	
Less than 25,000 square feet.	One (1) berth.*
25,000--49,999 square feet.	Two (2) berths.*
50,000--99,999 square feet.	Three (3) berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
<b>E. All other Commercial Activities.</b>	No berths required.*

\*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone. (Prior planning code § 7523)

**17.116.150 Off-street loading-- Industrial Activities.**

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for all Industrial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Total Floor Area of Facilities Occupied	Requirement
Less than 10,000 square feet.	No berths required.*
10,000--24,999 square feet.	One (1) berth.*
25,000--49,999 square feet.	Two (2) berths.*
50,000--99,999 square feet.	Three (3) berths.*
Each additional 170,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*

\*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone. (Prior planning code § 7524)

**Article IV**  
**Standards for Required Parking and Loading Facilities**

**17.116.170 Property on which parking and loading must be provided.**

A. **Parking Spaces and Loading.** Off-street parking spaces and loading berths required by the zoning regulations shall be located as set forth below for the specified activities except as otherwise provided in Section 17.116.290B. When a maximum distance from the lot containing the activity served to another lot is prescribed, it shall be measured along a permanently accessible pedestrian route between a lot line of the former lot and the nearest boundary of the offsite parking or loading area.

Required Facility and Activity it Serves	Zone	Location
Parking spaces for any Residential Activity.	CN, R-90, C-31, C-45, C-51, C-55, CBD-R, CBD-P, CBD-C, and CBD-X zones.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.
Industrial	Any other zone.	On the same lot as the activity served, but for One and Two-Family Residential Facilities on any lot with a street-to-setback gradient that exceeds twenty (20) percent (20%), required parking stalls may be permitted to extend into the public right-of-way of an adjoining street subject to the following standards (see illustration I-20c):
		1. The required parking stalls shall be located perpendicular to and the edge of the curb, pavement, or sidewalk;

Required Facility and Activity it Serves	Zone	Location
		2. The parking stalls shall be set back a minimum of five feet from the edge of street pavement including any curbs or sidewalks; and
		3. The parking stalls extending into the street right-of-way shall not constitute more than fifty (50) percent (50%) of the required residential parking.
Parking spaces for any Industrial Activity; Administrative or Utility and Vehicular Civic Activities; or Administrative, Research Service Commercial Activities.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within five hundred (500) feet and having at least one owner in common with the former lot.
Parking spaces for any activity not listed above.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.
Loading berths for any activity.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on an abutting lot having at least one owner in common with the former lot, except that a jointly owned off-street loading facility for nonresidential activities in any zone, or for Residential Activities in the CBD, R-90, C-31CN, and C-45, C-51, and C-55 zones, may, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, and subject to the provisions of Section 17.116.180, be located on a lot which does not abut all the lots containing the activities served.

B. Maneuvering Aisles and Driveways. Required maneuvering aisles and driveways shall be located as specified in subsection A of this section for required spaces or berths serving the same activity, except as follows:

1. A required driveway may, subject to the provisions of Section 17.116.180, straddle the lot line of abutting lots in separate ownership if it leads to parking spaces or loading berths on both lots.
2. A required maneuvering aisle or portion thereof may, subject to the provisions of Section 17.116.180, straddle the lot line of abutting lots in separate ownership if there are on both sides of such aisle, or portion thereof, parking spaces or loading berths which are directly opposite each other.

C. Upon the granting of a conditional use permit pursuant to the conditional use permit procedure, and subject to the provisions of Section 17.102.090 and Section 17.116.180, any required driveway or maneuvering aisle may be located entirely on another lot or lots in separate ownership. (Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001; Ord. 11892 § 16, 1996; prior planning code § 7535)

17.116.200 Parking space dimensions.

(See illustration 1-21.) The provisions of this section shall apply to all activities in all zones except Residential Activities occupying One-Family, Two-Family, or Multifamily Residential Facilities located within the S-12 residential parking combining zone, where the provisions of Section 17.94.060 shall apply. All required parking spaces shall have the minimum dimensions set forth below and shall be provided, where necessary, with driveways and maneuvering aisles as set forth in Section 17.116.210. Compact and intermediate parking spaces shall count toward the off-street parking requirements only if located on a lot containing a total of three or more required spaces. On such a lot, up to fifty (50) percent (50%) of the required parking spaces may be compact spaces, provided that at least fifty (50) percent (50%) of the required spaces are regular and/or handicapped spaces. Alternatively, when five or more parking spaces are required, up to seventy-five percent (75%) of the required spaces may be intermediate spaces, provided that if any required spaces are compact spaces, an equal or greater number of the required spaces shall be regular and/or handicapped spaces.

~~one compact space may be provided in lieu of one regular space for each three required spaces, or remaining fraction of one-half or more thereof. All other required parking spaces shall be regular spaces.~~

A. Regular Parking Spaces. A regular parking space shall be not less than eighteen (18) feet long and eight and one-half feet ( $8\frac{1}{2}$ ) wide for all parking patterns except parallel parking. However, where one or both of the long sides of a regular parking space which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other, similar obstruction, the width specified above shall be increased by three-two (2) feet. ~~(See subsection D for exceptions to this two (2) foot requirement).~~ For parallel parking, a regular parking space shall be not less than twenty-two (22) feet long and eight (8) feet wide.

~~B.~~ Intermediate Parking Spaces. An intermediate parking space shall be not less than sixteen and one-half ( $16\frac{1}{2}$ ) feet long and eight (8) feet wide for all parking patterns except parallel parking. However, where one or both of the long sides of a regular parking space which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other, similar obstruction, the width specified above shall be increased by two (2) feet. See subsection D for exceptions to this two (2) foot requirement. For parallel parking, an intermediate parking space shall be not less than twenty and one-half ( $20\frac{1}{2}$ ) feet long and seven and one-half ( $7\frac{1}{2}$ ) feet wide.

~~BC.~~ Compact Parking Spaces. A compact parking space shall be not less than sixteen-fifteen ( $16\frac{1}{2}$ ) feet long and seven and one-half ( $7\frac{1}{2}$ ) feet wide for all parking patterns except parallel parking. However, where one or both of the long sides of a compact parking space which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other, similar obstruction, the width specified above shall be increased by three-two (2) feet. (See subsection D for exceptions to this two (2) foot requirement). For parallel parking, a compact parking space shall be not less than twenty-nineteen (2019) feet long and seven (7) feet wide. (Ord. 12376 § 3 (part), 2001: prior planning code § 7539)

D. Posts and Other Obstructions. Posts and other similar structural members may be located immediately adjacent to a required parking space, provided that:

1. Such required parking space is a regular space or, if the City Traffic Engineer determines that sufficient maneuvering area is present, an intermediate or compact space; and
2. Such post or other similar structural member is located at least three (3) feet but not more than five (5) feet from the maneuvering aisle or located not more than four (4) feet from the end of the parking space opposite the maneuvering aisle; and
3. Such post or other similar structural member does not impede pedestrian access to vehicle parking in the space; and
4. Such posts and other similar structural members shall be located on one side only of a required parking space.



17.116.210 Driveways and maneuvering aisles for parking.

Where necessary, maneuvering aisles and driveways shall be provided of such design and arrangement as to provide adequate ingress to and egress from all required parking spaces. (See also Sections 17.94.070, 17.94.080, 17.116.240, 17.116.250, and 17.116.260.) Except within the S-12 residential parking combining zone, where the provisions of Section 17.94.080 shall apply, and for shared access facilities, where the provisions of Section 17.102.090 shall apply, an onsite driveway serving any required off-street parking area shall have a minimum width of nine feet. Driveways serving Residential Facilities with one or two living units on one lot shall be not more than nineteen (19) feet in width with a curb cut no more than nineteen (19) feet in width, and shall be limited to one driveway and one driveway curb cut per lot frontage. Driveways serving one lot or serving any of several adjacent lots under the same ownership shall be separated edge-to-edge by at least twenty-five (25) feet; where curbs exist, the separation shall be by at least twenty-five (25) feet of full vertical curb. Driveways serving adjacent lots under different ownership shall be separated edge-to-edge by at least ten (10) feet; where curbs exist, the separation shall be by at least ten feet of full vertical curb.

A. Maneuvering Aisle Width. Except for activities occupying One-Family, Two-Family, or Multifamily Residential Facilities located within the S-12 residential parking combining zone, where the provisions of Section 17.94.070 shall apply, maneuvering aisles necessary for access into and out of required parking spaces shall have the following minimum widths, whether serving regular, intermediate, or compact parking spaces; (see illustration I-21):

1. Where parking is parallel: eleven (11) feet;
  2. Where parking is at an angle of forty-five (45) degrees or less: twelve (12) feet;
  3. Where parking is at an angle of sixty (60) degrees or less but more than forty-five (45) degrees: fifteen (15) feet;
  4. Where parking is at an angle of seventy-five (75) degrees or less but more than sixty (60) degrees: eighteen (18) feet;
  5. Where parking is at an angle of ninety (90) degrees or less but more than seventy-five (75) degrees: twenty-one (21) feet.
- ~~1. Where parking is parallel: twelve (12) feet;~~  
~~2. Where parking is at an angle of forty-five (45) degrees or less: twelve (12) feet;~~  
~~3. Where parking is at an angle of sixty (60) degrees or less but more than forty-five (45) degrees: sixteen (16) feet;~~  
~~4. Where parking is at an angle of ninety (90) degrees or less but more than sixty (60) degrees: twenty-four (24) feet.~~

(Ord. 12376 § 3 (part), 2001: prior planning code § 7540)

17.116.220 Loading berth dimensions.

All required loading berths shall have the minimum dimensions set forth below when serving the indicated activities; provided that where one or both of the long sides of a berth which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other similar obstruction, each of the widths specified below shall be increased by three (3) feet. However, the minimum height or length of a required berth may in any case be reduced upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that such smaller dimensions are ample for the size and type of trucks or goods which foreseeably will be involved in the loading operations of the activity served.

A. For all Industrial Activities and for General Wholesale Sales, Building Material Sales, Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing, forty-five (45) feet long, twelve (12) feet wide, and fourteen (14) feet high;

B. For Undertaking Service Commercial Activities: twenty-five (25) feet long, ten (10) feet wide, and eight (8) feet high;

C. For all other activities for which loading facilities are required: thirty-three (33) feet long, twelve (12) feet wide, and fourteen (14) feet high.

(Prior planning code § 7541)

17.116.240 Tandem spaces and berths.

(See illustration 1-21.) A vehicle shall not have to cross another loading berth, or a parking space, in order to gain access to any required loading berth. On any lot containing three ~~(3)~~ or more required off-street parking spaces, or containing required spaces for two ~~(2)~~ or more residential living units, a vehicle shall not have to cross another parking space, or a loading berth, in order to gain access to a required parking space, except that:

A. In the S-11 zone, with the provision of three or more required parking spaces for a given dwelling unit, at least fifty (50)-percent ~~(50%)~~ of the vehicles shall not have to cross another parking space in order to gain access to a required parking space.

B. In the S-12 zone, tandem parking may be permitted for One-Family Dwelling, One-Family Dwelling with Secondary Unit, Two-Family Dwelling, and Multi-family Dwelling Residential Facilities under the provisions of Section 17.94.060.

C. In the RH, RD, RM-1, and RM-2 zones, ~~R-1, R-10, R-20, R-30, R-35, R-36, and R-40 zones~~, except when combined with the S-11 or S-12 zones, tandem parking may be permitted for one of the required spaces on a lot containing a One-Family Dwelling with Secondary Unit Residential Facility if the floor area of the Secondary Unit does not exceed five hundred (500) square feet.

D. In any zone, tandem parking may be permitted for nonresidential activities upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that such proposal conforms to either or both of the following use permit criteria:

1. That a full-time parking attendant supervises the parking arrangements at all times when the activities served are in active operation;

2. That there are a total of ten ~~(10)~~ or fewer parking spaces on a lot, or within a separate parking area or areas on a lot, which spaces are provided solely for employees.

E. Tandem parking spaces may be provided for Residential Care Residential Activities pursuant to the provisions of Section 17.116.060B.

(Ord. 12501 § 79, 2003; Ord. 12199 § 8 (part), 2000; Ord. 12138 § 4 (part), 1999; prior planning code § 7543)

17.116.260 Surfacing and grade of parking and loading facilities.

A. Slopes, ~~(see illustration 1-21-a)~~. The maximum slope of any required maneuvering aisle, parking space, or loading berth shall be ten ~~(40)~~-percent ~~(10%)~~. The maximum slope of any required driveway shall be twenty-five ~~(25)~~-percent ~~(25%)~~. For all driveways, extending from streets without curbs, gutters or sidewalks, the first five (5) feet of the driveway shall be level with the edge of the pavement. For driveways less than fifteen (15) feet in length, the maximum slope for other than the first five (5) feet shall be ten ~~(40)~~-percent ~~(10%)~~. For driveways fifteen (15) feet or more in length but less than twenty-five (25) feet, the maximum slope for the first ten (10) feet of driveway beyond the level portion shall be ten ~~(40)~~-percent ~~(10%)~~ and the maximum slope of the remainder shall be fifteen ~~(45)~~ percent ~~(15%)~~. For driveways twenty-five (25) feet or more in length, the maximum slope for the first ten (10) feet of driveway beyond the level portion shall be ten ~~(40)~~-percent ~~(10%)~~, the maximum slope for the final ten (10) feet shall be fifteen ~~(45)~~-percent ~~(15%)~~, and the maximum slope for the portion between shall be twenty-five ~~(25)~~-percent ~~(25%)~~. For downslope driveways leading to garages, the final two (2) feet shall be level or upslope not exceeding five ~~(5)~~-percent ~~(5%)~~.

B. Surfacing. All required parking and loading facilities shall have a durable, dustless, all-weather surface; shall have satisfactory disposal of surface waters by grading and drainage; and shall be permanently maintained in good condition. All driveways with a slope of twenty ~~(20)~~-percent ~~(20%)~~ or more shall have a serrated concrete surface or other surface providing a similar level of traction.

C. Design for Runoff. All required off-street parking facilities located on any lot containing three (3) or more required spaces, and all required off-street loading facilities on any lot, shall be so designed that surface water will not drain over any sidewalk.

D. For all other activities for which loading facilities are required: thirty-three (33) feet long, twelve (12) feet wide, and fourteen (14) feet high. (Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001; prior planning code § 7546)

#### 17.116.270 Screening and setback of parking and loading areas.

A. Residential or S-1, S-2, S-3 or OS Zone. (See illustration 1-16.) In all residential zones and in the S-1, S-2, S-3 and OS zones, all open off-street parking areas on any lot containing three (3) or more spaces, and all open off-street loading areas on any lot, shall be screened from abutting lots, except where a maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170(B)(2), by dense landscaping not less than five and one-half (5 ½) feet high and not less than three (3) feet wide or by a solid lumber or masonry fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter. All such areas shall be screened from all abutting streets, alleys, and paths, and private streets and other ways described in Section 17.106.020, by dense landscaping not less than three and one-half (3 ½) feet high and not less than three (3) feet wide or by a solid or grille, lumber or masonry fence or wall not less than three and one-half (3 ½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein. No unroofed parking space or loading berth on such lots shall be located within five (5) feet from any street line or alley, except as allowed by Section 17.116.170.

B. Commercial or Industrial Zone. (See illustration 1-17.) Off-street parking and loading facilities shall be screened, and restricted in their location on a lot, when and as prescribed in Sections 17.110.030 and 17.110.040 of the buffering regulations or in the applicable individual zone regulations or development control maps. (Ord. 12376 § 3 (part), 2001; Ord. 12078 § 5 (part), 1998; prior planning code § 7547)

#### 17.116.290 Special requirements applying in some zones.

A. Whenever required off-street parking or loading facilities are located where the applicable individual zone regulations or development control maps require a conditional use permit for parking or loading or prescribe other special controls thereon, such regulations shall be complied with in addition to the standards prescribed above for required parking and loading.

B. In the S-15 zone:

1. Location of Parking. All off-street parking may be provided anywhere on the lot, or on a separate lot which is not in common ownership with the subject lot, provided that a long-term lease agreement or comparable binding agreement is provided, pursuant to Section 17.116.180.

2. Parking Serving Nonresidential Uses. Off-street parking serving nonresidential uses shall may only be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134.

3. Ground Floor Parking and Loading. Off-street parking, loading, and driveway located within twenty (20) feet from all pedestrian walkways and plazas shall may only be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134 and Section 17.100.100.

4. Provisions for Shared Parking. Off-street parking may be shared amongst daytime activities between the hours of business operation and between the hours of nighttime activities. The number of required parking spaces for daytime use may be transferable to required parking or nighttime use, provided that a long-term lease agreement or comparable binding agreement is provided, pursuant to Section 17.116.180.

5. Exceptions to Parking Requirement. The number of parking spaces provided may exceed the number required upon the granting of a conditional use permit pursuant to Section 17.100.100 and the conditional use permit procedure in Chapter 17.134. (Ord. 11892 § 18, 1996; prior planning code § 7549)

C. In the RU-4, RU-5, CN, CC, CR, or CBD zones, the required number of parking spaces may be reduced by up to fifty percent (50%) upon the granting of a conditional use permit (see Chapter 17.134). The conditional use permit may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and the following criterion: The Planning Director has determined that there will not be a significant parking impact on the surrounding neighborhood through a combination of a parking demand management plan, transit availability, and other factors.

**17.116.300 Parking accommodation requirements for One- and Two-Family Residential Facilities.**

The provisions of this section apply to lots containing One-Family Dwelling Residential Facilities, One-Family Dwelling Residential Facilities with Secondary Unit Residential Facilities, and Two-Family Dwelling Residential Facilities. Exceptions to the provisions of this section may be approved pursuant to the regular design review procedure in Chapter 17.136.

A. Required Garage, Carport or Uncovered Parking Location to the Side or Rear of a Residence in Certain Cases. Garages, carports or any uncovered required parking spaces shall be located to the rear or side of any primary Residential Facility and at a minimum of twenty-five (25) feet from the front lot line if:

1. At least sixty (60)-percent (60%) of the buildings in the immediate context have garages, carports and uncovered required parking located at a depth of at least twenty-five (25) feet from the front lot line; and
2. On the lot being developed, the difference in elevation of existing grade between the midpoint of the front lot line and the farthest opposite point of the lot depth does not exceed a gradient of twenty (20)-percent (20%).

The immediate context shall consist of the five closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street; (see-~~Illustration I-4b~~); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any required garage, carport, or uncovered parking space. Lots with a front lot line width of less than thirty-five (35) feet are exempt from this subsection if the garage, carport or uncovered parking space dimensions facing the front lot line equal less than fifty (50) percent of the building elevation facing the front lot line.

B. Garage or Carport Recessed from Front of Residence in Certain Cases. (See-~~Illustration I-8a~~) When an attached or detached garage or carport is not subject to subsection A of this section and is located on lots with a street-to-setback gradient of twenty (20)-percent (20%) or less and where the face of the primary Residential Facility, including projections at least eight (8) feet in height and five (5) feet in width, such as covered porches and bay windows, is within twenty-five (25) feet of the front lot line, at least one of the following requirements shall apply:

1. The front of the garage or carport shall be set back a minimum of five (5) feet from such face; or
2. If the garage or carport is located below living space, either:
  - a. The front of the garage or carport shall be set back at least eighteen (18) inches from the upper level living space; or
  - b. The garage door shall be recessed at least six inches from the surrounding exterior wall surfaces.

C. Maximum Widths of Garages and Carports. Garages and carports shall have a maximum width of twenty-two (22) feet if the front of the garage or carport is located within thirty (30) feet of a street line and shall have a maximum width of thirty (30) feet if located elsewhere. In addition, all attached garages and carports shall have a maximum width not to exceed fifty (50)-percent (50%) of the total width of the primary Residential Facility if the front of the garage or carport is located within thirty (30) feet of a street line.

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D. Parking Restricted to Garages, Carports, Uncovered Required Parking Spaces or Driveways. Parking on a lot containing primary Residential Facilities may take place only in garages, carports, uncovered required parking spaces, or approved driveways. (Ord. 12376 (part), 2001)

## Chapter 17.117

### BICYCLE PARKING REQUIREMENTS

#### Article I

##### General Provisions

###### Sections:

- 17.117.010 Title, Purpose, and Applicability.
- 17.117.020 Bicycle Parking Required for New and Existing Uses.
- 17.117.030 More than One Activity on a Lot.
- 17.117.040 Determination by Director of City Planning.

#### Article II

##### Standards for Required Bicycle Parking

###### Sections:

- 17.117.050 Types of Required Bicycle Parking.
- 17.117.060 Minimum Specifications for Required Bicycle Parking.
- 17.117.070 Location and Design of Required Bicycle Parking.

#### Article III

##### Minimum Number of Required Bicycle Parking Spaces

###### Sections:

- 17.117.080 Calculation Rules.
- 17.117.090 Required Bicycle Parking – Residential Activities.
- 17.117.100 Required Bicycle Parking – Civic Activities.
- 17.117.110 Required Bicycle Parking – Commercial Activities.
- 17.117.120 Required Bicycle Parking – ~~Manufacturing~~ Industrial -and All Other Activities.
- 17.117.130 Required Shower and Locker Facilities – All Activities.
- 17.117.140 Additional Considerations for Variance Determination.
- 17.117.150 Automobile Parking Credit.

##### 17.117.020 Bicycle Parking Required for New and Existing Uses.

A. Bicycle Parking Shall be Provided for New Facilities and Additions to Existing Facilities. Bicycle parking as prescribed hereafter shall be provided for activities occupying facilities, or portions thereof, which are constructed, established, wholly reconstructed, or moved onto a new lot after the effective date of the bicycle parking requirements, or of a subsequent rezoning or other amendment thereto establishing or increasing bicycle parking for such activities, except to the extent that existing bicycle parking exceeds such requirements for any existing facilities. The required amount of new bicycle parking shall be based on the cumulative increase in floor area, or other applicable unit of measurement prescribed hereafter, after said effective date.

B. Bicycle Parking Shall be Provided for Remodels. “Remodel” means any proposed physical improvement of an existing structure which requires a building permit but does not include New Facilities or Additions to Existing Facilities.

1. Remodel projects that are over 10,000 ~~s-f-~~ square feet and have an estimated construction cost, excluding seismic retrofit costs, greater than \$250,000 shall provide the number of short-term bicycle parking spaces prescribed in Sections 117.090 to 117.120. This amount shall be adjusted to account for

changes in the Building Cost Index for the San Francisco Bay Region, as reported in the Engineering News Record. The adjustment shall be made annually, starting in 2009, no sooner than one year from adoption.

2. Remodel projects that are over 50,000 s-f-square feet and have an estimated construction cost , excluding seismic retrofit costs, over \$1,000,000 shall provide, in addition to short-term bicycle parking, the number of long-term bicycle parking spaces and shower and locker facilities prescribed in Sections 117.090 to 117.130. This amount shall be adjusted to account for changes in the Building Cost Index for the San Francisco Bay Region, as reported in the Engineering News Record. The adjustment shall be made annually, starting in 2009, no sooner than one year from adoption.

C. Bicycle Parking Shall be Provided for New Living Units in Existing Facilities. If any facility, or portion thereof, which is in existence on the effective date of the bicycle parking requirements, or of a subsequent rezoning or other amendment thereto establishing or increasing bicycle parking requirements for an activity therein, is altered or changed in occupancy so as to result in an increase on the number of residential living units therein, bicycle parking as prescribed hereafter shall be provided for the new units. However, such bicycle parking need be provided only in the amount by which the requirement prescribed hereafter for the facility after said alteration or change exceeds the requirement prescribed hereafter for the facility as it existed prior to such alteration or change; and such new bicycle parking need not be provided to the extent that existing bicycle parking exceeds the latter requirement.

#### 17.117.070 Location and Design of Required Bicycle Parking.

Required bicycle parking shall be placed on site(s) as set forth below:

- A. A bicycle parking space shall be at least two and a half (2.5) feet in width by six (6) feet in length to allow sufficient space between parked bicycles.
- B. An encroachment permit may be required from the City to install bicycle parking in the public right-of-way.
- C. Bicycle parking facilities shall not impede pedestrian or vehicular circulation.
  - 1a. Bicycle parking racks located on sidewalks should maintain a minimum of five and one half (5.5) feet of unobstructed pedestrian right-of-way outside the bicycle parking space. For sidewalks with heavy pedestrian traffic, at least seven (7) feet of unobstructed right-of-way is required.
  - D. Bicycle parking facilities are subject to the following standards:
    - 1a. Racks shall be located with at least thirty (30) inches in all directions from any vertical obstruction, including but not limited to other racks, walls, and landscaping. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, and Large Scale Combined Retail and Grocery Sales Activities are encouraged to locate racks with a thirty-six (36) inch clearance in all directions from any vertical obstruction, including but not limited to other racks, walls, and landscaping.
    - 2b. A minimum four (4) foot wide aisle of unobstructed space behind all required bicycle parking shall be provided to allow for adequate bicycle maneuvering.
  - E. Bicycle parking facilities within auto parking facilities shall be protected from damage by cars by a physical barrier such as curbs, wheel stops, poles, bollards, or other similar features capable of preventing automobiles from entering the bicycle facility.
  - F. Bicycle parking facilities shall be located in highly visible well-lighted areas. In order to maximize security, whenever possible short-term bicycle parking facilities shall be located in areas highly visible from the street and from the interior of the building they serve (i.e. placed adjacent to windows).
  - G. The location and design of required bicycle parking shall be of a quality, character and color that harmonize with adjoining land uses. Required bicycle parking shall be incorporated whenever possible into building design or street furniture.
  - H. Long-term bicycle parking shall be covered and shall be located on site or within five hundred (500) feet of the main building entrance unless approved by the Director of City Planning with a written Discretionary Waiver. The main building entrance excludes garage entrances, trash room entrances, and other building entrances that are not publicly accessible.

I. Discretionary Waiver. The long-term bicycle parking location requirement of five hundred (500) feet may be waived in writing by the Director of City Planning when said activities are located within one thousand (1000) feet of a proposed or existing bike station or similar high-capacity bicycle parking facility. Any determination on such waiver shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.

J. Whenever any required bicycle parking is proposed to be provided on a lot other than the lot containing the activity served, the owner or owners of both lots shall prepare and execute to the satisfaction of the City Attorney, and file with the Alameda County Recorder, an agreement guaranteeing that such facilities will be maintained and reserved for the activity served, for the duration of said activity.

K. Short-term bicycle parking shall be placed within fifty (50) feet of the main entrance to the building or commercial use and should be in a well trafficked location visible from the entrance. When the main entrance fronts the sidewalk, the installer may obtain an encroachment permit from the City to install the bicycle parking in the public right-of-way. The main building entrance excludes garage entrances, trash room entrances, and other building entrances that are not publicly accessible.

**17.117.090 Required Bicycle Parking – Residential Activities.**

Subject to the calculation rules set forth in Section 17.117.080, the following minimum amounts of bicycle parking are required for all Residential Activities and shall be developed and maintained pursuant to the provisions of Article II of this chapter:

Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
<b>Permanent and Semi-Transient Residential Activities occupying the specified facilities:</b>		
1) One-Family Dwelling.	No spaces required.	No spaces required.
2) One-Family Dwelling with Secondary Unit.	No spaces required.	No spaces required.
3) Two-Family Dwelling.	No spaces required.	No spaces required.
4) Multifamily Dwelling.		
a) With private garage for each unit.	No spaces required.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.
b) Without private garage for each unit.	1 space for each 4 dwelling units. Minimum requirement is 2 spaces.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.
c) Senior Housing.	1 space for each 10 dwelling units. Minimum requirement is 2 spaces.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.
5) Rooming House.	1 space for each 8 residents. Minimum requirement is 2 spaces.	No spaces required.
6) Mobile Home.	1 per 20 units.	No spaces required.
<b>Residential Care, Service-Enriched Permanent, Transitional Housing, and Emergency Shelter Residential Activities occupying the specified facilities:</b>		
7) Residential Care.	1 space for each 20 employees or 1 space for each 70,000 s.f., square feet, whichever is greater. Minimum requirement is 2 spaces.	2 spaces.
8) Service-Enriched Permanent Housing.	1 space for each 70,000 s.f., square feet, whichever is greater. Minimum requirement is 2 spaces.	
9) Transitional Housing.	1 space for each 8 residents. Minimum requirement is 2 spaces.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.
10) Emergency Shelter Residential.	1 space for each 20 employees or 1 space for each 70,000 square feet, whichever is greater. Minimum requirement is 2 spaces.	1 space for each 5,000 square feet of floor area. Minimum requirement is 2 spaces.



**17.117.100 Required Bicycle Parking – Civic Activities.**

Subject to the calculation rules set forth in Section 17.117.080, the following minimum amounts of bicycle parking are required for the specified Civic Activities and shall be developed and maintained pursuant to the provisions of Article II of this chapter:

Civic Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
1) Essential Service. 2) Limited Childcare.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.
3) Community Assembly.		
a) Churches, temples, and synagogues.	1 space for each 40 fixed seats, or one space for each 4,000 square feet of floor area, whichever is greater. Minimum requirement is 2 spaces.	1 space for each 40 fixed seats, or one space for each 2,000 square feet of floor area, whichever is greater. Minimum requirement is 2 spaces.
b) Other.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.
4) Non-Assembly Cultural.	1 space for each 20 employees. Minimum requirement is 2 spaces.	Spaces for 2% of maximum expected daily attendance.
5) Administrative.	1 space for each 20 employees. Minimum requirement is 2 spaces.	1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.
6) Health Care. 7) Special Health Care.	1 space for each 20 employees; or one space for each 70,000 <del>s-s-f</del> square feet of floor area, whichever is greater. Minimum requirement is 2 spaces.	1 space for each 40,000 <del>s-f</del> square feet of floor area. Minimum requirement is 2 spaces.
8) Utility and Vehicular.		
a) Communications equipment installations and exchanges, electrical substations, emergency hospitals operated by a public agency, gas substations, neighborhood newscarrrier distribution centers.	No spaces required.	No spaces required.
b) Fire Stations and Police Stations. c) Post offices, excluding major mail-processing centers.	1 space for each 10 employees. Minimum requirement is 2 spaces	6 spaces.
d) Publicly operated off-street parking lots and garages available to the general public either without charge or on a fee basis.	No spaces required.	Minimum of 6 spaces or 1 per 20 auto spaces (parking lots excepted).

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9) Community Education.		
a) Public, parochial, and private day-care centers for fifteen (15) or more children.	1 space for each 10 employees. Minimum requirement is 2 spaces.	1 space per each 20 students of planned capacity. Minimum requirement is 2 spaces.
b) Public, parochial, and private nursery schools, and kindergartens.	1 space for each 10 employees. Minimum requirement is 2 spaces.	1 space per each 20 students of planned capacity. Minimum requirement is 2 spaces.
<b>Civic Activity</b>	<b>Long-term Bicycle Parking Requirement</b>	<b>Short-term Bicycle Parking Requirement</b>
c) Public parochial and private elementary, junior high and high schools.	1 space for each 10 employees plus 1 space for each 20 students of planned capacity. Minimum requirement is 2 spaces.	1 space per each 20 students of planned capacity. Minimum requirement is 2 spaces.
10) Extensive impact		
a) Colleges and universities.	1 space for each 10 employees plus 1 space for each 10 students of planned capacity; or 1 space for each 20,000 square feet of floor area, whichever is greater.	1 space for each 10 students of planned capacity.
b) Railroad and bus terminals.	Spaces for 3.5% of projected maximum daily ridership.	Spaces for 1.5% of projected maximum daily ridership.
c) Other.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.

**17.117.110 Required Bicycle Parking – Commercial Activities**

Subject to the calculation rules set forth in Section 17.117.080, the following amounts of bicycle parking are required for the specified Commercial Activities and shall be developed and maintained pursuant to the provisions of Article II of this chapter:

Commercial Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
<b>Retail</b>		
1. General Food Sales. 2. Full Service Restaurant 3. Limited Service Restaurant and Café	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 2,000 square feet of floor area. Minimum requirement is 2 spaces.

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<p>4. <del>Convenience-Market-Fast-Food Restaurant.</del></p> <p>5. <del>Fast-Food Restaurant-Convenience Market</del></p> <p>6. Alcoholic Beverage Sales.</p> <p>7. Mechanical or Electronic Games.</p> <p>8. General Retail Sales.</p> <p>9. Large-scale combined retail and grocery sales.</p> <p>10. Consumer Service.</p> <p>11. Consumer Cleaning and Repair Service.</p> <p>12. Consumer Dry Cleaning Plant</p> <p>13. Check Cashier and Check Cashing.</p>	<p>1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.</p>	<p>1 space for each 5,000 square feet of floor area. Minimum requirement is 2 spaces.</p>
<p>14. General Wholesale Sales.</p> <p>15. Building Material Sales.</p>	<p>1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.</p>	<p>1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.</p>
<p><b>Commercial Activity</b></p>	<p><b>Long-term Bicycle Parking Requirement</b></p>	<p><b>Short-term Bicycle Parking Requirement</b></p>
<p><b>Office</b></p>		
<p>1. Consultative and Financial Service.</p> <p>2. Administrative Commercial.</p> <p>3. Business, Communication, and Media Service.</p> <p>4. Broadcasting and Recording Service</p>	<p>1 space for each 10,000 square feet of floor area. Minimum requirement is 2 spaces.</p>	<p>1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.</p>
<p><b>Medical</b></p>		
<p>1. Medical Service.</p> <p>2. Animal Care.</p>	<p>1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.</p>	<p>1 space for each 5,000 square feet of floor area. Minimum requirement is 2 spaces.</p>
<p><b>Commercial Activity</b></p>	<p><b>Long-term Bicycle Parking Requirement</b></p>	<p><b>Short-term Bicycle Parking Requirement</b></p>
<p><b>Auto Related</b></p>		
<p>1. Automobile and Other Light Vehicle Sales and Rental.</p>	<p>1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.</p>	<p>1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.</p>
<p>2. Automobile and Other Light Vehicle Gas Station and Servicing.</p> <p>3. Automotive Repair and Cleaning.</p>	<p>1 space for each 20 employees. Minimum requirement is 2 spaces.</p>	<p>No spaces required.</p>
<p><b>Other Commercial</b></p>		
<p>1. Group Assembly.</p>	<p>Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040.</p>	<p>Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040.</p>

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2. Personal Instruction and Improvement and Small Scale Entertainment	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040.	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040.
3. Research Service.	1 space for each 10,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 40,000 square feet of floor area. Minimum requirement is 2 spaces.
4. Transient Habitation.	1 space for each 20 rentable rooms. Minimum requirement is 2 spaces.	1 space for each 20 rentable rooms. Minimum requirement is 2 spaces.
5. Automotive Fee Parking.	1 space for each 20 automobile spaces. Minimum requirement is 2 spaces.	Minimum of 6 spaces or 1 per 20 auto spaces (parking lots excepted)
6. Undertaking Service. 7. Animal Boarding.	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	2 spaces.

**17.117.120 Required Bicycle Parking – Industrial, Manufacturing and All Other Activities**  
 Subject to the calculation rules set forth in Section 17.117.080, the following minimum amounts of bicycle parking are required for the specified Industrial, Agricultural and Extractive Activities and All Other Activities and shall be developed and maintained pursuant to the provisions of Article II of this chapter:

Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
<b>Industrial</b>		
1. Custom Manufacturing. 2. Light Manufacturing. 3. General Manufacturing. 4. Heavy High/Impact Manufacturing.	1 space for each 15,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
5. Research and Development	1 space for each 10,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.
6. Construction Operations	1 space for each 15,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.

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Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
7. Warehousing, Storage and Distribution. A. General Warehousing, Storage and Distribution B. General Outdoor Storage C. Self or Mini-Storage D. Container Storage E. Automobile Salvage/Junk Yards 8. Regional Freight Transportation. A. Seaport B. Rail yard 9. Trucking and Truck-Related. A. Freight/Truck Terminal B. Truck Yard C. Truck Weigh Stations D. Truck and Other Heavy Vehicle Sales, Rental and Leasing E. Truck and Other Heavy Vehicle Service, Repair and Refueling	1 space for each 40,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
10. Recycling and Waste Related. A. Satellite Recycling Collection Centers B. Primary Recycling Collection Centers C. Intermediate Recycling Processing Facility	1 space for each 15,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
11. Hazardous Material Production, Storage and Waste Management. A. Small Scale Transfer and Storage Hazardous Waste Management B. Industrial Transfer/Storage Hazardous Waste Management C. Residual Repositories Hazardous Waste Management D. Oil and Gas Storage	1 space for each 15,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
<b>Agricultural and Extractive</b>		
1. Plant Nursery Agricultural.	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040.	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040.
2. Crop and Animal Raising Agricultural 3. Mining and Quarrying Extractive.	No spaces required.	No spaces required.

**17.117.150 Automobile Parking Credit**

The total number of required off-street automobile parking spaces may be reduced at the ratio of one automobile space for each six bicycle spaces provided in excess of the requirements in this chapter. The bicycle parking provided for this automobile parking credit shall include both long-term and short-term bicycle parking in proportion to the minimum long-term and short-term requirements for the given project. The total number of required off-street automobile parking spaces cannot be reduced by more than five percent (5%).

## Chapter 17.118

### RECYCLING SPACE ALLOCATION REQUIREMENTS

#### 17.118.020 Affected projects.

The following development projects shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials:

A. Any new residential development of five units or more where solid waste is collected and loaded in a location serving five (5) or more living units, or new commercial or industrial development including marinas, for which a building permit is required, and said permit application is submitted on or after the effective date of these regulations;

B. Any new public facility where solid waste is collected and loaded and any improvements made to areas of an existing public facility used for collecting and loading solid waste;

C. Any existing residential development project of five units or more where solid waste is collected and loaded in a location serving five (5) or more living units, or existing commercial or industrial development including marinas, for which an application for a building permit is submitted on or after September 1, 1994 for an alteration(s) which adds thirty (30)-percent (30%) or more to the existing gross floor area of the development project;

D. Any existing residential development project of five (5) units or more where solid waste is collected and loaded in a location serving five or more living units, or existing commercial or industrial development or marina, for which multiple applications for building permits are submitted within a twelve (12) month period on or after September 1, 1994, which collectively add thirty (30)-percent (30%) or more to the existing gross floor area of the development project;

E. Any existing residential development project of five (5) units or more where solid waste is collected and loaded in a location serving five (5) or more living units, or existing commercial or industrial development or marina, occupied by multiple tenants, one of which submits within a twelve (12) month period an application or a series of applications for building permits for alterations which singly or collectively add thirty (30)-percent (30%) or more to the existing floor area of that portion of the project which said tenant leases. In such cases, adequate areas for the collection and loading of recyclable materials adequate in number and capacity to serve that portion of the development project said tenant leases shall be provided. (Ord. 11807 § I (part), 1995: prior planning code § 7601)

## Chapter 17.120

### PERFORMANCE STANDARDS

#### 17.120.020 Existing activities.

Activities existing on the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto applying more restrictive performance standards to such activities, shall not be required to change their operations to comply with the performance standards. However, their operations shall not be so changed as to result in a greater degree of nonconformity with respect to such standards, except as otherwise authorized under Section 17.102.310 and the development agreement procedure in Chapter 17.138. (Prior planning code § 7701) For existing activities meeting the definition specified in Section 17.114.080C., an expansion greater than ~~twenty~~20 percent (20%) of production (e.g. non-administrative) floor area is one example of a change in operations that shall be considered an increase in the degree of nonconformity.

#### 17.120.070 Smoke.

All Commercial and Industrial Activities located in the M-10, S-3, or S-13 zone, or in any HBX or CIX zone shall be so operated as not to emit visible smoke as dark as Ringelmann number 2 or its equivalent opacity for more than three minutes in any one-hour period, and visible smoke as dark as Ringelmann number 1 or its equivalent opacity for more than an additional seven minutes in any one-hour period. Darker or more opaque smoke is prohibited at any time. (Prior planning code § 7712)

#### 17.120.080 Particulate matter and air contaminants.

All Commercial, Manufacturing and Industrial Activities which are located in a residential zone or the M-10, M-20, S-3, or S-13 CIX zone, or any HBX zone or CIX-1 zone, or which are located in the M-30, CIX-2, IG or IO zone within four hundred (400) feet of any boundary of a residential zone, shall be so operated as not to emit particulate matter or air contaminants which are readily detectable without instruments by the average person at or beyond any lot line of the lot containing such activities. (Prior planning code § 7713)

#### 17.120.090 Odor.

When located in the zones specified below, all Commercial, Industrial and Manufacturing Activities shall be so operated as not to emit matter causing unpleasant odors which are perceptible by the average person at the following point of determination described in Table 17.120.05. Table 17.120.05 establishes the maximum allowable receiving noise level standards.

Table 17.120.05: Points of Determination for Odor

Zone in Which Activities are Located	Point of Determination
Any residential zone, M-10, M-20, S-3, S-13, the HBX-1, HBX-2, HBX-3 zones or CIX-1.	At or beyond any lot line of the lot containing the activities.
M-30, CIX-2, IG or IO zone if within 400 feet of any boundary of a residential zone.	At or beyond any boundary of a residential zone.

(Prior planning code § 7714)

#### 17.120.100 Humidity, heat, cold, and glare.

When located in the zones specified below, all Commercial and Manufacturing Activities shall be so operated as not to produce humidity, heat, cold, or glare which is perceptible without instruments by



the average person at the points of determination described in Table 17.120.06. Table 17.120.06 establishes the maximum allowable receiving noise level standards.

**Table 17.120.06: Points of Determination for Humidity, Heat, Cold and Glare**

<b>Zone in Which Activities are Located</b>	<b>Point of Determination</b>
Any residential zone, M-10, M-20, S-3, S-13, HBX-1, HBX-2, HBX-3 HBX zones or CIX-1.	At or beyond any lot line of the lot containing the activities.
M-30, CIX-2, IG or IO zone if within 400 feet of any boundary of a residential zone.	At or beyond any boundary of a residential zone.

(Prior planning code § 7715)

**17.120.110 Electrical disturbance.**

All Commercial, Industrial and Manufacturing Activities located in a residential zone or the M-10, M-20, S-3 or S-13, HBX or CIX-1 zone, or located in the CIX-2, IG or M-30 or M-40 zone and within four hundred (400) feet of any boundary of a residential zone, shall be so operated as not to cause electrical disturbance adversely affecting the operation of any equipment on any other lot. (Prior planning code § 7716)

## Chapter 17.124

### LANDSCAPING AND SCREENING STANDARDS

#### 17.124.030 Residential landscape requirements for street frontages.

~~(See illustration I-21b.)~~ All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning.

A. In addition to the general landscaping requirements set forth above, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six (6) feet, the trees to be provided shall include street trees to the satisfaction of the Director of City Planning. Proposed street trees shall be selected from the City's Frequently Planted Tree Species List, as provided in Section 17.124.110. Alternative species may be approved by the Director of City Planning. Selection of street tree species shall be based upon compatibility with the existing tree plantings on the street, the mature size of the tree, space available for the tree to grow, the presence of underground and overhead utility lines, utility poles, streetlights, driveway approaches and fire hydrants. (Ord. 12376 § 3 (part), 2001)

#### 17.124.040 Residential landscape requirements for downslope lots.

~~(See illustration I-21b.)~~ On downslope lots where the height of the rear elevation of the primary Residential Facility exceeds twenty-eight (28) feet, landscaping shall be planted to screen the rear face of the building and shall be:

A. Planted to number a minimum of one (1) fifteen-gallon tree or five (5) five-gallon shrubs, or substantially equivalent landscaping as approved by the Director of City Planning for each fifteen (15) feet of lot width, measured at the rear face of the residence; and

B. Selected and maintained such that it is sufficient in size within five (5) years of planting to screen the lower ten (10) feet of the structure. (Ord. 12376 § 3 (part), 2001)

#### 17.124.070 Required materials and opacity.

Required landscaping, fences, and walls shall be composed of the materials prescribed in other provisions of the zoning regulations.

A. Where trees are required, they shall be of a species, degree of maturity, and spacing prescribed by the Director of City Planning, subject to the right of appeal from such determination pursuant to the administrative appeal procedure in Chapter 17.132.

B. Where dense landscaping to a specified height is prescribed, the landscaping shall be of a type which will provide a year-round barrier to the prescribed height, and shall be so spaced that vision of objects on the opposite side is effectively eliminated.

C. Where a grille fence or wall is prescribed, it shall have a uniform screen or other open-work design, with an opacity of not less than twenty-five (25) and not more than seventy-five ~~(75)~~ percent (75%). (Ord. 12376 § 3 (part), 2001; prior planning code § 8102)

## Chapter 17.126

### USABLE OPEN SPACE STANDARDS

#### 17.126.030 Group usable open space.

(See-illustration-I-22-) All required group usable open space shall be permanently maintained, shall be located on the same lot as the living units it serves, and shall conform to the following standards:

A. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt, or other serviceable, dustfree surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected wherever necessary for space on a roof, but shall not be more than the minimum height required by the Oakland Building Code but shall not be more than four feet high.

B. Location. The space may be located anywhere on the lot within twenty (20) feet of the living units served, except that not more than twenty five (20)-percent (25%) of the required area shall be located on the roof of any building other than an attached garage or carport, with the exception of property located within the S-15 zone where the space may be located anywhere on the lot and may be located entirely on the roof of any building on the site.

C. Size and Shape. An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than fifteen (15) feet. When space is located on a roof, the area occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.

D. Accessibility. The space shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room.

E. Openness. There shall be no obstructions above the space except for devices to enhance its usability.

F. Enclosure. Ground-level space shall be screened from abutting lots, streets, alleys, and paths, and abutting private ways described in Section 17.106.020, by a building wall, by dense landscaping not less than three and one-half ( $3 \frac{1}{2}$ ) feet high and not less than three (3) feet wide, or by a solid or grille, lumber or masonry fence or wall not less than three and one-half ( $3 \frac{1}{2}$ ) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter. Fences and walls shall not be so constructed as to interfere with the access required by applicable fire prevention regulations. (Ord. 11892 § 20, 1996; prior planning code § 8310)

#### 17.126.040 Private usable open space.

(See-illustration-I-22-) All required private usable open space shall be permanently maintained; shall be located, except as otherwise provided in subsection B of this section, on the same lot as the living unit it serves; and shall conform to the following standards:

A. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt, or other serviceable, dustfree surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected wherever necessary for space on a roof or balcony, but shall not be more than the minimum height required by the Oakland Building Code.

B. Location. The space may be located anywhere on the lot, except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five (5) feet of an interior side lot line. Above-ground-level space may be counted even

though it projects beyond a street line. All spaces shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served.

C. Size and Shape. An area of contiguous ground-level space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than ten (10) feet. An area of above-ground-level space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than five (5) feet. When space is located on a roof, the area occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.

D. Accessibility. The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.

E. Openness. There shall be no obstructions over ground-level space except for devices to enhance its usability and except that not more than fifty (50)-percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.

F. Enclosure. Ground-level space shall be screened from abutting lots, streets, alleys, and paths, from abutting private ways described in Section 17.106.020, and from other areas on the same lot by a building wall, by dense landscaping not less than five and one-half (5 ½) feet high and not less than three (3) feet wide, or by a solid or grille, lumber or masonry fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter. However, when such screening would impair a beneficial outward and open orientation or view, with no building located opposite and within fifty (50) feet from such required screening, as measured perpendicularly therefrom in a horizontal plane, the above prescribed height may be reduced to three and one-half (3 ½) feet. Fences and walls shall not be so constructed as to interfere with the access required by applicable fire prevention regulations. (Prior planning code § 8320)

#### **17.126.050 Plazas for Nonresidential Facilities.**

Every plaza required for Nonresidential Facilities shall be permanently maintained, shall be located on the same lot as the facilities for which it is provided, and shall conform to the following standards:

A. Usability. The plaza shall have an appropriate dustfree surface, and shall be suitable for walking, sitting, and similar activities. Off-street parking and loading areas, driveways, and service areas shall not be counted as plazas. At least twenty-five (25)-percent (25%) of the plaza area shall be occupied by planting, sculpture, pools, or similar features.

B. Location and Visibility. The plaza shall be located not more than five (5) feet above the sidewalk of the abutting street. It shall be clearly visible from the sidewalk.

C. Size and Shape. The plaza shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than thirty (30) feet.

D. Accessibility. The plaza shall be directly and conveniently accessible to the general public during all business hours common in the area.

E. Openness. There shall be no obstructions above the plaza except for awnings, trellises, or similar devices to enhance its usability. (Prior planning code § 8335)

## Chapter 17.128

### TELECOMMUNICATIONS REGULATIONS

#### 17.128.025 Restrictions on Telecommunications Facilities

A. Any Telecommunications Facility shall not be permitted in, or within one hundred (100) feet of the boundary of, any residential or HBX zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Any Monopole Telecommunications Facilities shall not be permitted in, or within three hundred (300) feet of the boundary of any residential or HBX zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

C. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of residential zones ~~R-1RH-1~~ through ~~R-60RU-1~~ inclusive or any HBX zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

#### 17.128.040 Supplemental definitions.

In addition to the terms defined in Chapter 17.09, the following specific definitions shall apply in reviewing applications under the telecommunications regulations:

“Antenna” means any system of poles, panels, rods, or similar devices used for the transmission or reception of radio frequency signals.

1. “Omni-directional antenna” transmits and/or receives radio frequency signals in a three hundred sixty (360) degree radial pattern. For the purpose of this document, an omni-directional antenna is up to fifteen (15) feet in height and up to four inches in diameter.

2. “Directional antenna” (also known as a “panel” antenna) transmits and/or receives radio frequency signals in a directional pattern of less than three hundred sixty (360) degrees.

3. “Parabolic antenna” (also known as a dish antenna) means a bowl-shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern.

“Attached wireless communication facility” means a wireless communication facility that is affixed to an existing structure which is not considered a component of the attached wireless communications facility.

“Concealed from view” or “concealed from view” means that no part of the antenna, the means by which the antenna is attached to a building or structure or the cabinets or structure containing the radio or other related equipment used to operate the site may be visible from the adjacent public right-of-way within three hundred (300) feet of the antenna.

“Collocation” exists when more than one wireless communications provider mounts equipment on a single support structure.

“Equipment cabinet” means a cabinet or other enclosure not housed in a separate building and used to house equipment used by telecommunications providers at a facility.

“Equipment shelter” means a building used to house equipment used by telecommunications providers at a facility.

“Ground Post Facility” means an antenna facility consisting of multiple posts mounted on the ground upon which sit antennas. If the height is up to seventeen (17) feet, it is treated as a Macro Facility and if over seventeen (17) feet, it is treated as a Monopole.

“Related equipment” means all equipment ancillary to the transmissions and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.

“Wireless communication facility” means an unstaffed facility for the transmission and reception of low-power radio signals. (Ord. 11904 § 5.01 (part), 1996; prior planning code § 8503)

#### 17.128.060 Mini Facilities.

##### A. General Development Standards for Mini Facilities.

1. The Mini Facilities shall be located on existing buildings, poles or other existing support structures.
2. The equipment cabinet(s) must be concealed from public view or placed underground. The cabinet must be regularly maintained.
3. Mini Facilities may exceed the height limitation specified for all zones but may not exceed fifteen (15) feet above the roofline or parapet. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
4. The applicant shall submit written documentation demonstrating that the emissions from the proposed project are within the limits set by the Federal Communications Commission.

B. **Design Review Criteria for Mini Facilities.** In addition to the design review criteria listed in Chapter 17.136, the following specific additional criteria must be met when design review is required before an application can be granted:

1. Antennas should be painted and/or textured to match the existing structure.
2. Antennas mounted on architecturally significant structures or significant architectural details of the building should be covered by appropriate casings which are manufactured to match existing architectural features found on the building.
3. Where feasible, antennas can be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.
4. Equipment cabinets shall be concealed from view or placed underground.
5. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices.
6. For antennas attached to the roof, maintain a 1:1 ratio (example: ten feet high antenna requires ten feet setback from facade) for equipment setback unless an alternative placement would reduce visual impact; treat or screen the antennas to match existing air conditioning units, stairs, elevator towers, or other background; avoid placing roof mounted antennas in direct line with significant view corridors.

C. **Conditional Use Permit Criteria for Mini Facilities.** In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:

1. The project must meet the special design review criteria listed in subsection B of this section.
2. The proposed project must not disrupt the overall community character.
3. In the residential RH, RD, RM, RU-1, or RU-2 zones, zones R-1 through R-60, inclusive, and in HBX zones, the project must not have any visual impact. (Ord. 12272 § 4 (part), 2000; Ord. 11904 § 5.01 (part), 1996; prior planning code § 8506)

#### 17.128.080 Monopoles.

##### A. General Development Standards for Monopoles.

1. Applicant and owner shall allow other future wireless communications companies including public and quasi-public agencies using similar technology to collocate antenna equipment and facilities on the monopole unless specific technical or other constraints, subject to independent verification, at the applicant's expense, at the discretion of the City of Oakland Zoning Manager, prohibit said collocation. Applicant and other wireless carriers shall provide a mechanism for the construction and maintenance of

shared facilities and infrastructure and shall provide for equitable sharing of cost in accordance with industry standards. Construction of future facilities shall not interrupt or interfere with the continuous operation of applicant's facilities.

2. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.

3. When a monopole is in a residential zone or adjacent to a residential use, it must be set back from the nearest residential lot line a distance at least equal to its total height.

4. In all zones other than the IG, CIX-1, CIX-2, and IO zones, the maximum height of Monopole Telecommunications Facilities and connecting appurtenances may be increased from the otherwise required maximum height to forty-five (45) feet upon the granting of a Conditional Use Permit (see 17.134 for the Conditional Use Permit Procedure).

5. In the CIX-1, CIX-2, and IO zones, the maximum height of Monopole Telecommunications Facilities and connecting appurtenances may be increased from the otherwise required maximum height to eighty (80) feet upon the granting of a Conditional Use Permit (see 17.134 for the Conditional Use Permit Procedure).

~~64. In the IG zone, the maximum height of Monopole structure-Telecommunications Facilities and connecting appurtenances may shall-not-reach a height of forty-five (45) feet. These facilities may reach a height of exceed-eighty (80) feet upon the granting of Regular Design Review approval (see 17.136 for the Design Review Procedure).in-zones M-30 and M-40, C-35 through C-60, with design review and M-20 with a conditional use permit. Monopoles are permitted up to a height of forty-five (45) feet in all other zones with a conditional use permit.~~

57. The applicant shall submit written documentation demonstrating that the emissions from the proposed project are within the limits set by the Federal Communications Commission.

68. Antennas may not extend more than fifteen (15) feet above their supporting structure.

B. **Design Review Criteria for Monopoles.** In addition to the design review criteria listed in Chapter 17.136, the following specific additional criteria must be met when design review is required before an application can be granted:

1. Collocation is to be encouraged when it will decrease visual impact and collocation is to be discouraged when it will increase negative visual impact.

2. Monopoles should not be sited to create visual clutter or negatively affect specific views.

3. Monopoles shall be screened from the public view wherever possible.

4. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.

5. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zone district as much as possible. Wireless communication towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

6. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices.

C. **Conditional Use Permit Criteria for Monopoles.** In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:

1. The project must meet the special design review criteria listed in subsection B of this section.

2. Monopoles should not be located any closer than one thousand five hundred (1,500) feet from existing monopoles unless technologically required or visually preferable.

3. The proposed project must not disrupt the overall community character.

4. If a major conditional use permit is required, the Planning Director or the Planning Commission may request independent expert review regarding site location, collocation and facility configuration. Any party may request that the Planning Commission consider making such request for independent expert review.

a. If there is any objection to the appointment of an independent expert engineer, the applicant must notify the Planning Director within ten (10) days of the Commission request. The Commission will hear arguments regarding the need for the independent expert and the applicant's objection to having one appointed. The Commission will rule as to whether an independent expert should be appointed.

b. Should the Commission appoint an independent expert, the Commission will direct the Planning Director to pick an expert from a panel of licensed engineers, a list of which will be compiled, updated and maintained by the Planning Department.

c. No expert on the panel will be allowed to review any materials or investigate any application without first signing an agreement under penalty of perjury that the expert will keep confidential any and all information learned during the investigation of the application. No personnel currently employed by a telecommunication company are eligible for inclusion on the list.

d. An applicant may elect to keep confidential any proprietary information during the expert's investigation. However, if an applicant does so elect to keep confidential various items of proprietary information, that applicant may not introduce the confidential proprietary information for the first time before the Commission in support of the application.

e. The Commission shall require that the independent expert prepare the report in a timely fashion so that it will be available to the public prior to any public hearing on the application.

f. Should the Commission appoint an independent expert, the expert's fees will be paid by the applicant through the application fee, imposed by the city. (Ord. 12272 § 4 (part), 2000; Ord. 12237 § 4 (part), 2000; Ord. 11904 § 5.01 (part), 1996: prior planning code § 8508)

#### 17.128.090 Towers.

##### A. General Development Standards for Towers.

1. Applicant and owner shall allow other future wireless communications companies including public and quasi-public agencies using similar technology to collocate antenna equipment and facilities on the monopole unless specific technical or other constraints, subject to independent verification, at the applicant's expense, at the discretion of the City of Oakland Zoning Manager, prohibit said collocation. Applicant and other wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing of cost in accordance with industry standards. Construction of future facilities shall not interrupt or interfere with the continuous operation of applicant's facilities.

2. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.

3. When a tower is adjacent to a residential use, it must be set back from the nearest residential lot line a distance at least equal to its total height.

4. Antennas may not extend more than fifteen (15) feet above their supporting structure.

5. The applicant shall submit written documentation demonstrating that the emissions from the proposed project are within the limits set by the FCC.

B. Design Review Criteria for Towers. In addition to the design review criteria listed in, the following specific additional criteria must be met when design review is required before an application can be granted:

1. Collocation is to be encouraged when it will decrease visual impact and collocation is to be discouraged when it will increase negative visual impact.



2. Towers should not be sited to create visual clutter or negatively affect specific views.
3. Towers shall be screened from the public view wherever possible.
4. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.
5. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zone district as much as possible. Wireless communication towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area. (Ord. 11904 § 5.01 (part), 1996: prior planning code § 8509)
6. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices.

**17.128.100 Regulations** apply to parks and other similar open spaces. Telecommunications Facilities proposed in parks and other similar open spaces land shall be subject to the same regulations as set forth in the nearest residential zone. (Ord. 11904 § 5.01 (part), 1996: prior planning code § 8510)

**17.128.110 Site Location Preferences.**

New wireless facilities shall generally be located on the following properties or facilities in order of preference:

- A. Co-located on an existing structure or facility with existing wireless antennas.
- B. City owned properties or other public or quasi-public facilities.
- C. Existing commercial or industrial structures in non-residential zones.
- D. Existing commercial or industrial structures in residential zones.
- E. Other non-residential uses in residential zones.
- F. Residential uses in non-residential zones.
- G. Residential uses in residential zones.

Facilities locating on an A, B or C ranked preference do not require a site alternatives analysis. Facilities proposing to locate on a D through G ranked preference, inclusive, must submit a site alternatives analysis as part of the required application materials. A site alternatives analysis shall, at a minimum, consist of:

- a. The identification of all A, B and C ranked preference sites within one thousand (1,000) feet of the proposed location. If more than three sites in each preference order exist, the three such closest to the proposed location shall be required.
- b. Written evidence indicating why each such identified alternative can not be used. Such evidence shall be in sufficient detail that independent verification, at the applicant's expense, could be obtained if required by the City of Oakland Zoning Manager. Evidence should indicate if the reason an alternative was rejected was technical (e.g. incorrect height, interference from existing RF sources, inability to cover required area) or for other concerns (e.g. refusal to lease, inability to provide utilities).

## Chapter 17.134

### CONDITIONAL USE PERMIT PROCEDURE

#### 17.134.020 Definition of major and minor conditional use permits.

A. Major Conditional Use Permit. A conditional use permit is considered a major conditional use permit if it involves any of the following:

1. Thresholds. Any project that meets any of the following size thresholds:
  - a. The actual project site (including only portions of the lot actually affected by the project) exceeds one acre;
  - b. Nonresidential projects involving twenty-five thousand (25,000) square feet or more of floor area, except in the R-80, CBD-R, CBD-P (when not combined with the S-7 zone), CBD-C, CBD-X, R-90, C-51, C-55, S-2, or S-15 zones;
  - c. Residential projects requiring a conditional use permit for density resulting in a total number of living units as follows:
    - i. Three or more dwelling units in the ~~R-36~~ or ~~R-40~~ RM-2 zone,
    - ii. Seven (7) or more dwelling units in the ~~R-50~~ RM-3 or RM-4 zone.
  - d. Residential projects requiring a conditional use permit to exceed the basic or permitted density which results in 7 or more living units in the RU-R-60, R-70, R-80, R-90, or CBD-R zone.
  - e. Large Scale Developments. Any development which is located in the R-80, R-90, CBD-R, CBD-P (when not combined with the S-7 zone), CBD-C, CBD-X, ~~C-51~~, ~~C-55~~, S-2, or S-15 zone and results in more than one hundred thousand (100,000) square feet of new floor area.
2. Uses. Any project that involves any of the following activity or facility types except where the proposal involves only accessory parking, the resumption of a discontinued nonconforming activity, or an addition to an existing activity which does not increase the existing floor area by more than twenty (20) percent:
  - a. Activities:
    - i. Residential Care Residential,
    - ii. Service Enriched Housing Residential,
    - iii. Transitional Housing Residential,
    - iv. Emergency Shelter Residential,
    - v. Extensive Impact Civic,
    - vi. Convenience-Market-Fast-food Restaurant Commercial,
    - vii. Convenience Market Fast-food-Restaurant-Commercial,
    - viii. Alcoholic Beverage Sales Commercial or sale of alcoholic beverages at any full-service restaurant in a location described by Section 17.102.210(B),
    - ix. Heavy Manufacturing,
    - x. Small Scale Transfer and Storage Hazardous Waste Management,
    - xi. Industrial Transfer/Storage Hazardous Waste Management,
    - xii. Mining and Quarrying Extractive;
  - b. Facilities:
    - i. Drive-Through,
    - ii. Advertising Sign, except when the facility meets the requirements of Section 17.11.090.
    - iii. Special Health Care Civic Activities.
3. Special Situations. Any project that involves any of the following situations:
  - a. Any project that requires development of an Environmental Impact Report (EIR);
  - b. Any single establishment containing a Commercial or ~~Manufacturing~~ Industrial Activity, or portion thereof, which is located in any residential zone and occupies more than five thousand (5,000) square feet of floor area, except where the proposal involves only the resumption of a nonconforming activity;

- c. Off-Street Parking Facilities in the C-40, ~~C-51~~, CBD-P, CBD-C, CBD-X, and S-2 zones serving fifty (50) or more vehicles;
- d. Transient Habitation Commercial Activities in the C-40 and C-45 zones;
- e. Monopole Telecommunications Facilities in, or within three hundred (300) feet of the boundary of, any residential zone;
- f. Any project in the OS zone listed as requiring a major conditional use permit in Chapter 17.11;
- g. Any electroplating activity as defined in Section 17.09.040 subject to the provisions of Section 17.102.340;
- h. Any conditional use permit application referred by the Director of City Planning to the City Planning Commission for initial decision pursuant to Section 17.134.040(B)(1);
- i. Any Telecommunications Facility in, or within one hundred (100) feet of the boundary of, any residential zone;
- j. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view within three hundred (300) feet of the boundary of the RH, RD, RM, RU-1, or RU-2 zones, ~~residential-zones-R-1-through-R-60-inclusive,~~ or any HBX zone.

B. Minor Conditional Use Permit. A minor conditional use permit is a conditional use permit which does not involve any of the purposes listed in subsection A of this section. (Ord. 12501 § 80, 2003; Ord. 12450 § 19, 2002; Ord. 12350 § 3 (part), 2001; Ord. 12272 § 4 (part), 2000; Ord. 12237 § 4, 2000; Ord. 12234 § 4, 2000; Ord. 12224 § 7, 2000; Ord. 12205 § 4 (part), 2000; Ord. 12199 § 9 (part), 2000; Ord. 12138 § 4 (part), 1999; Ord. 12078 § 5 (part), 1998; Ord. 12072 § 12, 1998; Ord. 12016 § 2 (part), 1997; Ord. 11904 § 5.91, 1996; Ord. 11892 § 21, 1996; Ord. 11539 § 2, 1993; prior planning code § 9201)

**17.134.050 General use permit criteria.**

Except as different criteria are prescribed elsewhere in the zoning regulations, a conditional use permit shall be granted only if the proposal conforms to all of the following general use permit criteria, as well as to any and all other applicable use permit criteria:

A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development;

B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant;

C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region;

D. That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050;

E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.

~~EE.~~ **For proposals involving a One- or Two-Family Residential Facility:** If the conditional use permit concerns a regulation governing maximum height, minimum yards, or maximum lot coverage, or maximum floor area ratio, building-length-along-side-lot-lines, the proposal also conforms with at least one of the following additional criteria:

1. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree

greater than that which would be possible if the residence were built according to the applicable regulation, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

2. At least sixty (60) percent of the lots in the immediate context are already developed and the proposal would not exceed the corresponding as-built condition on these lots, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any conditional use permit.

~~F. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council. (Ord. 12376 § 3 (part), 2001: prior planning code § 9204)~~

## Chapter 17.136

### DESIGN REVIEW PROCEDURE

#### 17.136.025 Exemptions from Design Review.

A. **Applicability.** A proposal will be exempt from design review if it meets each of the provisions set forth below. All such determinations are final and not appealable:

1. The proposal is limited to one or more of the types of work listed as exempt from design review in Section 17.136.025B;
2. The proposal does not require Regular Design Review, a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning code;
3. The proposal is determined exempt from the California Environmental Quality Act (CEQA);
4. All exterior treatments visually match the existing or historical design of the building; and
5. The proposal will not have a significant effect on the structure's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a structure as representative of its period and contribute to its visual distinction or historical significance.

B. **Definition.** The following types of work are exempt from design review, pursuant to all provisions in Section 17.136.025(A):

1. **Additions or Alterations.**
  - a. Projects not requiring a building permit, except if otherwise specified below;
  - b. Repair or replacement of existing building components in a manner that visually matches the existing or historical design of the structure;
  - c. After notice to the Director of City Planning, demolition or removal of either:
    - i) structures declared to be unsafe by the Building Official or the City Council. "Unsafe structures" means structures found by the Building Official or the City Council, to require immediate issuance of a demolition permit to protect the public health and safety; or
    - ii) structures declared be a public nuisance by the Building Official or City Council that are not Designated Historic Properties or Potentially Designated Historic Properties.
  - d. Secondary Units of five hundred (500) square feet or less on a lot with only one existing or proposed primary dwelling unit, pursuant to all regulations in Section 17.102.360;
  - e. Floor area additions within the existing building envelope not involving the creation of a livingdwelling-unit;
  - f. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and equal no more than ten percent (10%) of the total floor area or footprint on site;
  - g. For Commercial, Civic, or Industrial Facilities and the Non-residential Portions of Mixed-Use Development Projects, any addition or alteration on a roof that does not project above the existing parapet walls; and any addition or alteration not otherwise exempt which is used as a loading dock, recycling area, utility area, or similar open structure addition that is no higher than six (6) feet above finished grade, less than five hundred (500) square feet in floor area or footprint, and is visually screened from neighboring properties; such exemptions shall only permitted where the proposal conforms with all Buffering regulations in Chapter 17.110 and all Performance Standards in Chapter 17.120;
  - h. Areas of porch, deck or balcony with a surface that is less than thirty (30) inches above finished grade.

2. **Signs.**
  - a. A change of sign face copy or new sign face within an existing Advertisement Sign or a change of sign face copy within Business or Civic Sign structures so long as the structure and framework of the sign remain unchanged and the new sign face duplicates the colors of the original or, in the case of an internally illuminated sign, the letter copy is light in color and the background is dark;

b. Installation, alteration or removal of Realty Signs, Development Signs, holiday decorations, displays behind a display window and, except as otherwise provided in Section 17.114.120(C), for mere changes of copy, including cutouts, on Signs which customarily involve periodic changes of copy;

c. New or modified Signs conforming to an approved Master Sign Program, pursuant to Section 17.104.070.

3. **Other Projects.**

a. Sidewalk Cafes that have a maximum of five (5) tables and no more than fifteen (15) chairs and/or do not have any permanent structures in the public right of way, pursuant to Section 17.102.335.

b. Solar Power Production Equipment. The installation of Solar Power Production Equipment is exempt from design review within any zoning district.

17.136.030 Small Project Design Review.

A. Applicability. "Small Project Design Review" shall apply to proposals that do not qualify for an exemption from design review as set forth in Section 17.136.025, or require Regular Design Review as either determined by the Director of City Planning or as set forth in Section 17.136.040. "Small Project Design Review" proposals shall meet all of the following provisions:

1. The proposal is limited to one or more of the types of work listed as a "Small Project" in Section 17.136.030(B);

2. The proposal does not require a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning code;

3. The proposal is determined exempt from the California Environmental Quality Act (CEQA).  
and

4. The proposal will not have a significant effect on the property's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance.

B. Definition of "Small Project". Small Projects are limited to one or more of the following types of work:

1. **Additions or Alterations.**

a. Repair or replacement of existing building components in a manner that is compatible with, but not necessarily identical to, the property's existing or historical design;

b. Except as otherwise specified in Sections 17.136.025, and 17.136.040, demolition or removal of structures not involving a Designated Historic Property or Potential Designated Historic Property, on a site where the zoning regulations require design review to alter the exterior appearance of the applicable building facility, regardless of whether the owner intends to create a surface parking lot or a vacant lot pursuant to Section 15.36.080;

c. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and equal more than ten percent (10%) of the total floor area or footprint on site, but do not exceed one thousand (1000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;

d. Secondary Units of more than five hundred (500) square feet in floor area, but not exceeding nine hundred (900) square feet or fifty percent (50%) of the floor area of the primary dwelling unit, whichever is less, pursuant to all regulations in Section 17.102.360;

e. For commercial, civic, or industrial facilities and the non-residential portions of mixed-use development projects, changes to storefronts or street-fronting facades, such as: (i) replacement or construction of doors, windows; bulkheads and nonstructural wall infill, or (ii) restoration of documented historic fabric.

2. **Fences, barriers, and similar freestanding walls.**

a. For Residential Zones and Residential Facilities, any fence, barrier, or similar freestanding wall exceeding forty-two (42) inches in height in the front yard and street-side yards, but not exceeding six (6) feet in height, pursuant to Section 17.108.140;

b. For Commercial Zones, Industrial Zones, and S-1, S-2, S-3, and S-15 Zones, any fence, barrier, or similar freestanding wall exceeding eight (8) feet in height within ten (10) feet of any abutting property in a residential zone, but not exceeding ten (10) feet in height, pursuant to Section 17.108.140.

3. Signs.

a. New or modified Signs, excluding Signs requiring Regular Design Review, Conditional Use Permit or Variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code; and Signs conforming to an approved Master Sign Program, pursuant to Section 17.104.070;

b. New or modified awnings or other similar facilities;

c. Color changes to Signs, awnings or other similar facilities;

d. Installation of flags or banners having any permanent structure within the public right of way, pursuant to the same regulations for sidewalk cafes in Section 17.102.335B;

C. Procedures for Consideration -- Small Project Design Review. The Director of City Planning may, at his or her discretion, consider an application for small project design review according to the following Three-Track process, or if additional consideration is required, determine that the proposal shall be reviewed according to the regular design review procedure in Section 17.136.040:

1. Track One Procedure - Small Project Design Review Proposals Not Involving a Local Register Property; or an Upper-Story Addition requiring the Track Three review procedure pursuant to Subsection (C)(3):

a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for small project design review as set forth in this section.

b. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track One proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.

c. The decision by the Director, or his or her designee, shall be final immediately and not appealable.

2. Track Two Procedure - Small Project Design Review Proposals Involving a Local Register Property:

a. The Director of City Planning, in concert with the City of Oakland's Historic Preservation staff, shall determine whether a proposed addition or alteration involving a Local Register Property will have a significant effect on the property's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. Any proposed addition or alteration determined to have a significant effect on a Local Register Property's character-defining elements shall be reviewed instead according to the regular design review procedure in Section 17.136.040. Any proposed addition involving an upper-story addition of more than two hundred fifty (250) square feet in floor area or footprint to a One- or Two-Family Residential Facility or to any Building Facility in the ~~HBX-1, HBX-2, and HBX-3~~ zones that is determined eligible for small project design review and to not have a significant effect on the property's character-defining elements, shall be reviewed according to the Track Three procedure in Section 17.136.030(C)(3).

b. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track Two proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.

c. The decision by the Director, or his or her designee, shall be final immediately and not appealable.

3. Track Three Procedure - Small Project Design Review Proposals Involving an Upper-Story Addition of More than Two Hundred Fifty (250) Square Feet in Floor Area or Footprint to a One- or Two-Family Residential Facility or an over eight (8) foot increase in the height of any Building Facility in the ~~HBX-1, HBX-2, and HBX-3~~ zones, not including allowed projections' above the height limits listed in 17.108.030:

a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for small project design review as set forth in this section.

b. At the time of small project design review application, the owner of the affected property, or his or her authorized agent, shall obtain from the City Planning Department, a list of names and mailing addresses of all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site; a notice poster to install on the project site; and a Notice to Neighboring Property Owners form which includes the project description and contact information.

c. Prior to the subject application being deemed complete, the applicant shall install the notice poster provided at the time of application at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot; and provide by certified mail or delivery to all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site, a copy of the completed project notice form, as well as a set of reduced plans (consisting of at least a site plan and building elevations that show all proposed exterior work).

d. All required posting of the site and notification of adjacent and across the street property owners shall be completed by the project applicant not less than ten (10) days prior to the earliest date for final decision on the application. During the required noticing period, the Planning Department shall receive and consider comments from any interested party, as well as accept requests for a meeting with City Planning staff.

e. Decision by the Director of City Planning. Prior to final decision, City Planning staff shall hold a single meeting with interested parties whenever such a meeting request is received in writing by the Planning Department during the small project design review comment period. Following any such meeting with interested parties, the Director, or his or her designee, may approve or disapprove a Track Three proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.

f. The decision by the Director, or his or her designee, shall be final immediately and not appealable.

#### 17.136.040 Regular Design Review.

A. Applicability. "Regular design review" shall apply to proposals that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for a design review exemption as set forth in Section 17.136.025 or small project design review as set forth in Section 17.136.030. Projects requiring regular design review include, but are not limited to, the following types of work:

1. Any proposal involving one or more of the facility, activity, building, structure, or development types that require design review pursuant to the zoning regulations of Title 17 of the



Oakland Planning Code, but does not qualify for a design review exemption as set forth in Section 17.136.025, or small project design review as set forth in Section 17.136.030;

2. Any construction, addition or alteration of structures requiring a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
3. New construction of one or two dwelling units, other than a secondary unit;
4. New construction of three or more dwelling units, or adding units to a property for a total of three or more dwelling units on site;
5. New construction of principal facilities in the HBX zone;
6. The creation of any new HBX "work/live" unit or HBX "live/work" unit (see Sections 17.65.160 and 17.65.170). This requirement shall apply for both: a) conversions of existing facilities to contain either of these unit types, and b) the construction of new buildings that contain either of these unit types;
7. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and exceed one thousand (1,000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
8. Exceptions to the parking accommodation requirements for one- and two-family Residential Facilities in Section 17.102.390;
9. New or modified Signs not qualifying for a design review exemption as set forth in Section 17.136.025 or small project design review as set forth in Section 17.136.030;
10. Proposals for new or modified Telecommunications Facilities, pursuant to Chapter 17.128, but excluding those alterations to existing Telecommunications Facilities listed as a Small Project in Section 17.136.030(B).
11. Demolition or removal of any structure, or portion thereof, where the replacement project requires Regular Design Review, Conditional Use Permit or Variance;
12. Demolition or removal of any Designated Historic Property (DHP) or Potential Designated Historic Property (PDHP) pursuant to Section 17.136.075.

B. **Pre-Application Review --Regular Design Review.** Prior to application for regular design review, any applicant or his or her representative seeking early project feedback may submit for a pre-application review of the proposal by a representative of the City Planning Department. For projects of a larger scale or involving a significant policy issue, the Director of City Planning may, at his or her discretion, request that an applicant or his or her representative submit for a pre-application review of the proposal. During a pre-application review, the city representative will provide information about applicable design review criteria and pertinent procedures, including the opportunity for advice from outside design professionals. Where appropriate the city representative may also informally discuss possible design solutions, point out potential neighborhood concerns, and mention local organizations which the applicant is encouraged to contact before finalizing the proposal.

C. **Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the Director of City Planning or Result in a One- or Two-Unit Residential Facility--Decisions Not Ultimately Appealable to City Council.**

1. ~~Decision by the Director of City Planning, or the City Planning Commission. An application for regular design review that is not referred to the City Planning Commission for initial decision as specified in Section 17.136.040(D) shall be considered by the Director of City Planning. The Director may, at his or her discretion, refer the application to the City Planning Commission for decision rather than acting on it himself or herself. However, if the project requires an Environmental Impact Report, or results in twenty-five thousand (25,000) square feet or more of new floor area and is located in any zone other than the R-80, R-90, C-51, C-55, CBD-R, CBD-P (except when combined with the S-7 zone), CBD-C, CBD-X, S-2, or S-15 zones, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.~~

2. **Notification Procedures.** Notice shall be given by posting an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject

lot. Notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the project site; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set, ~~as the case may be,~~ for decision on the application by the Director, ~~or prior to the date set for a hearing before the Commission, if such is to be held.~~ During the required noticing period, the planning department shall receive and consider comments from any interested party.

3. The Director or the applicant may seek the advice of outside design professionals. The Director shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to said criteria.

4. Finality of Decision. ~~A determination~~decision by the Director shall become final ~~ten (10)~~ calendar days after the date of initial decision unless appealed to the City Planning Commission or the Commission's Residential Appeals Committee in accordance with Section 17.136.080. In the event that the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Appeals considered by the City Planning Commission or the Commission's Residential Appeals Committee under the procedures specified in Section 17.136.080 ~~In those cases which are referred to the Commission by the Director, the initial decision of the Commission shall become final ten days after the date of decision shall be final immediately and are not ultimately appealable to the City Council.~~

**D. Procedure for Consideration of Regular Design Review Proposals which Involve or Result in a One or Two Unit Residential Facility** an Initial Decision by the City Planning Commission--Decisions Ultimately Appealable to City Council.

1. ~~Decision by the Director of City Planning or the City Planning Commission.~~ An application for regular design review shall be considered by the Director of City Planning. The Director of City Planning may, at his or her discretion, refer an application for regular design review the application to the City Planning Commission for an initial decision rather than acting on it himself or herself. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to Section 17.130.080. However, if the project involves a major variance or major conditional use permit, requires an Environmental Impact Report (EIR); ~~or results in twenty-five thousand (25,000) square feet or more of new nonresidential floor area and is located in any zone other than the R-80, R-90, C-51, C-55, CBD-R, CBD-P (when not combined with the S-7 zone), CBD-C, CBD-X, S-2, or S-15 zones,~~ the Director of City Planning shall refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.

2. Notification Procedures. Notice shall be given by posting an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the project site; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior ~~to the date set, as the case may be,~~ for decision on the application by the Director, ~~or prior to the date set for a hearing before the Commission, if such is to be held.~~ During the required noticing period, the planning department shall receive and consider comments from any interested party.

3. The Planning Director or the Commission may seek the advice of outside design professionals. The Director ~~or the Commission,~~ ~~as the case may be,~~ shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her or its judgment necessary to ensure conformity to said criteria.

4. Finality of Decision. A-~~The determination by the Director shall become final ten days after the date of initial decision unless appealed to the City Planning Commission in accordance with Section 17.136.080. In those cases which are referred to the Commission by the Director, the initial decision of the Planning Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with Section 17.136.090. In the event that the last day of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal.~~

E. Alternative Notification Procedures. If the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement the procedures set forth in subsections C and D of this section.

(Ord. 12376 § 3 (part), 2001; Ord. 12237 § 4 (part), 2000; Ord. 11816 § 2 (part), 1995; prior planning code § 9305)

#### 17.136.075 Regulations for Demolition or Removal of Designated Historic Properties and Potentially Designated Historic Properties.

A. With the exception of structures declared to be a public nuisance by the Building Official or City Council, Regular Design Review of the demolition or removal of a Designated Historic Property (DHP) or Potentially Designated Historic Property (PDHP) shall only be approved after the Regular Design Review of a replacement project at the subject site has been approved; however, demolition of nuisance structures must still undergo Regular Design Review for demolition as required by this chapter.

B. Regular Design Review approval for the demolition or removal of any Landmark, Heritage Property, structure rated "A" or "B" by the Oakland Cultural Heritage Survey, and structure on the City's Preservation Study List that are not in an S-7 or S-20 zone or Area of Primary Importance (API) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the general design review criteria, all other applicable design review criteria, and the following additional criteria:

1. The applicant demonstrates that: a) the existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generate such return, or b) the applicant demonstrates that the structure constitutes a hazard and is economically infeasible to rehabilitate on its present site. For this finding, a hazard constitutes a threat to health and safety that is not immediate;

2. The design quality of the replacement facility is equal/superior to that of the existing facility; and

3. It is economically, functionally architecturally, or structurally infeasible to incorporate the historic structure into the proposed development.

C. Regular Design Review Approval for the demolition or removal of any structure in an S-7 or S-20 zone or Area of Primary Importance (API) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms the general design review criteria, all other applicable design review criteria, and the following additional criteria:

1. For the demolition of contributors to an S-7 or S-20 zone or API:

a. The applicant demonstrates that: i) the existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generates such return, or ii) the applicant demonstrates that the structure constitutes a hazard and is economically infeasible to rehabilitate on its present site. For this criterion, a hazard constitutes a threat to health and safety that is not immediate; and

b. It is economically, functionally architecturally, or structurally infeasible to incorporate the historic structure into the proposed development.

2. For the demolition of noncontributors to an S-7 zone, S-20 zone, or API: The existing structure is either: i) seriously deteriorated or a hazard, or ii) the existing design is undistinguished and

does not warrant retention. For this finding, a hazard constitutes a threat to health and safety that is not immediate;

3. For the demolition of any structure in an S-7 zone, S-20 zone or API:
  - a. The design quality of the replacement structure is equal/superior to that of the existing structure; and
  - b. The design of the replacement project is compatible with the character of the district, and there is no erosion of design quality at the replacement project site and in the surrounding area. This includes, but is not necessarily limited to, the following additional findings:
    - i. The replacement project is compatible with the district in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;
    - ii. New street frontage ~~with~~includes forms that reflect the widths and rhythm of the facades on the street and entrances that reflect the patterns on the street;
    - iii. The replacement project provides high visual interest that either reflects the level and quality of visual interest of the district contributors or otherwise enhances the visual interest of the district;
    - iv. If the design contrasts the new to the historic character, the replacement project enriches the historic character of the district;
    - v. The replacement project is consistent with the visual cohesiveness of the district. For the purpose of this item, visual cohesiveness is the architectural character, the sum of all visual aspects, features, and materials that defines the district. A new structure contributes to the visual cohesiveness of a district if it relates to the design characteristics of a historic district. New construction may do so by drawing upon some basic building features, such as the way in which a building is located on its site, the manner in which it relates to the street, its basic mass, form, direction or orientation (horizontal vs. vertical), recesses and projections, quality of materials, patterns of openings and level of detailing. When a combination of some of these design variables are arranged in a new building to relate to those seen traditionally in the area, but integral to the design and character of the proposed new construction, visual cohesiveness results; and
    - vi. The replacement project will not cause the district to lose its current historic status.

D. Regular Design Review Approval for the demolition or removal of any structure rated "C" by the by the Oakland Cultural Heritage Survey or contributes to an Area of Secondary Importance (ASI) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the general design review criteria, all other applicable design review criteria, and to either: L, 2., or 3., below:

1. The design quality of the proposed replacement project is at least equal to that of the original structure and the proposed replacement project is compatible with the character of the neighborhood; or
2. The public benefits of the proposed replacement project outweigh the benefit of retaining the original structure and the proposed replacement project is compatible with the character of the neighborhood; or
3. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

E. For proposals that have received Design Review approval pursuant to this section, the issuance of a demolition permit for any structure or portion thereof may be postponed by the Director of City Planning for a period not to exceed one hundred twenty (120) days from the date of application for such permit. The Director may do so upon determination that the structure or portion thereof is listed as a Local Register Property, or is on a study list of facilities under serious study by the Landmarks Preservation Advisory Board, the City Planning Commission, or the Director, for possible landmark designation under Section 17.136.070 or for other appropriate action to preserve it. During the period of postponement the Board, the Commission, or the Director shall explore means for preserving or restoring the structure or portion thereof. However, demolition may not be postponed under this section if, after notice to the Director of City Planning, the Building Services Department, the Housing Conservation Division, their respective appeals boards, or the City Council determines that immediate demolition is necessary to protect the public health or safety. Any determination made by the Director of City Planning

under this section may be appealed pursuant to the administrative appeal procedure in Chapter 17.132. (Prior planning code § 7005)

**17.136.080 Appeal to Planning Commission--Regular design review.**

Within ten (10) calendar days after the date of an initial decision by the Director of City Planning on an application for regular design review under the procedure specified in Section 17.136.040(C), an appeal from said decision may be taken to the City Planning Commission by the applicant, the Landmarks Preservation Advisory Board, or any other interested party. In the case of appeals involving one- or two-unit Residential Facilities, the appeal shall be considered by the Commission's Residential Appeals Committee. In the event the last day of appeal falls on a weekend or holiday when city offices are closed, the next date offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City Planning Department and shall be filed with such Department. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his or her decision is not supported by the evidence in the record. Upon receipt of such appeal, the Secretary of the City Planning Commission shall set the time for consideration thereof. Not less than seventeen (17) days prior to the date of the Commission's or Committee's consideration of the appeal, the Secretary shall give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the Commission or, if applicable, the Committee shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The Commission or, if applicable, the Committee or the applicant may seek the advice of outside design professionals. ~~If the proposal is being considered under the procedure specified in Section 17.136.040(D) or also requires a major variance, the~~ The decision of the Commission or, if applicable, the Committee on a proposal shall become final ten calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.136.090. ~~In the event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. If it is being considered under the procedure specified in Section 17.136.040(C) and does not also require a major variance, the decision of the Commission or, if applicable, the Committee shall be final immediately and is not ultimately appealable to the City Council.~~

(Ord. 12376 § 3 (part), 2001; Ord. 11816 § 2 (part), 1995; prior planning code § 9307)

**17.136.090 Appeal to City Council--Regular design review.**

Within ten (10) calendar days after the date of initial a decision by the City Planning Commission on an application for regular design review under the procedure specified in Section 17.136.040(D), ~~or where the proposal also requires a major variance,~~ an appeal from said decision may be taken to the City Council by the applicant, the Landmarks Preservation Advisory Board, or any other interested party. In the event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. No such appeal to the City Council is allowable under the procedure specified in Section 17.136.040(C), unless the proposal also requires a major variance. Such appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. Upon receipt of the appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue

clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal.

The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the Council shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria.

The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing of the appeal. If the Council is unable to decide the appeal at that meeting, it shall appear for a vote on each regular meeting of the Council thereafter until decided. (Ord. 11816 § 2 (part), 1995: prior planning code § 9308)

**17.136.120 Design review related to conditional use permit, planned unit development, variance, or subdivision.**

A. Whenever design review approval is required for a proposal also requiring one or more other discretionary permits, such as a conditional use permit, or planned unit development permit, or variance, the application for design review shall be submitted with included in the application to for said other permit and shall be processed and considered as part of the same proposal; The reviewing officer or body shall, in considering the design review aspects of the proposal, determine whether it conforms to all the applicable design review criteria. ~~Decisions provided that decisions on the design review aspects of a proposal also requiring one or more other discretionary permits, such as a minor conditional use permit or minor variance, shall still be appealable within ten (10) calendar days after the date of decision to the City Planning Commission or City Council to the extent such appeal would otherwise be allowed under Sections 17.136.080 and 17.136.090. In the event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal.~~

B. ~~However, in any case the provisions of Sections 17-136-020 and 17-136-060 shall still apply; and the reviewing officer or body shall, in considering the design review aspects of the proposal, determine whether it conforms to all the applicable design review criteria.~~ Whenever design review approval is required for a proposal also requiring subdivision approval, the application for design review approval may be submitted with the tentative map or tentative parcel map required by the Oakland Municipal Code, but shall nonetheless be subject to all the separate procedure and criteria pertaining to design review. (Ord. 12376 § 3 (part), 2001: Ord. 11816 § 2 (part), 1995: prior planning code § 9311)

**17.136.130 Limitation on resubmission--Small project design review.**

Whenever an application for small project design review has been denied by the Director of City Planning, no small project design review application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one (1) year after the date of denial; provided, however, that such proposal may be resubmitted as an application for regular design review.

The limitation of this section on resubmitting an application for small project design review shall not apply in instances where the applicant can show, on the face of any subsequent application, changed circumstances sufficient to justify reconsideration of denial of the original application for small project design review. Applications pursuant to this section shall be considered by the Director of City Planning. A determination by the Director shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of

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appeal. Any such decision by the Planning Commission shall be final. (Ord. 11816 § 2 (part), 1995; prior planning code § 9312)

## **Chapter 17.138**

### **DEVELOPMENT AGREEMENT PROCEDURE**

#### **17.138.050** Criterion.

A development agreement may be approved only if it is found that the proposal is consistent with the Oakland Comprehensive General Plan and with any applicable district plan or development control map which has been adopted by the City Council, as said plans or map currently exist. (Prior planning code § 9354)



## Chapter 17.142

### PLANNED UNIT DEVELOPMENT REGULATIONS

#### 17.142.090 Minimum size for which bonuses may be granted.

The minimum total land area of any planned unit development incorporating any of the bonuses set forth in Section 17.142.100 shall be four (4) acres in the RH and RD-1R-1, R-10, R-20, and R-30 zones, and sixty thousand (60,000) square feet in all other zones except the CC-1C-20 zone. In the CC-1C-20 zone, the minimum total land area shall be four (4) acres for any planned unit development incorporating any of the bonuses set forth in Section 17.142.100(E), and sixty thousand (60,000) square feet for any other planned unit development incorporating any of the bonuses set forth in Section 17.142.100. (Ord. 12272 § 4 (part), 2000: prior planning code § 7811)

#### 17.142.100 Bonuses.

For planned unit developments qualifying under Sections 17.142.080 and 17.142.090, the following exceptions to otherwise applicable regulations may be permitted upon the granting of a planned unit development permit pursuant to the planned unit development procedure in Chapter 17.140:

A. Additional Permitted Activities Where Increase in Overall Density or Floor-Area Ratio Is Proposed. Except in the RHR-1, R-10, R-20, and RD-1R-30 zones, the following activities, as described in the use classifications in Chapter 17.10, may be permitted in a planned unit development incorporating an increase in overall density or floor-area ratio pursuant to subsection E of this section, in addition to the activities generally permitted in the zone where the development is located:

1. Residential Activities:

Permanent

2. Civic Activities:

Limited Child-Care

Community Education

3. Commercial Activities, provided that such activities shall not occupy in the aggregate more than four (4) percent of the total floor area in such development, provided that the maximum floor area devoted to such activities by any single establishment shall be three hundred (3,000) square feet, and further provided that such activities shall not be permitted at all in any such development which has an overall density in Residential Facilities of less than forty (40) living units per net residential acre (excluding streets and other rights-of-way):

General Food Sales

Full Service Restaurant

Limited Service Restaurant and Café

Fast-Food Restaurant

Convenience Market

~~Fast-Food-Restaurant~~

Alcoholic Beverage Sales

Consumer Service

Medical Service

B. Further Additional Permitted Activities Where No Increase in Overall Density or Floor-Area Ratio Is Proposed. Except in the R-1, R-10, R-20, RH and RD-1R-30 zones, the following activities, as described in the use classifications, may be permitted in a planned unit development for which no increase in overall density or floor-area ratio is proposed pursuant to subsection E of this section, in addition to the activities listed in subsection A of this section and in addition to the activities generally permitted in the zone in which the development is located. The special limitations prescribed in

subsection (A)(3) of this section with respect to location and amount of floor area devoted to Commercial Activities shall not apply in such a development.

1. Residential Activities:
  - Semi-Transient
2. Civic Activities:
  - Nursing Home
  - Community Assembly
  - Recreational Assembly
  - Nonassembly Cultural
  - Administrative
  - Utility and Vehicular
3. Commercial Activities:
  - Mechanical or Electronic Games
  - General Retail Sales
  - Consumer Service
  - Consultative and Financial Service
  - Consumer Cleaning and Repair Service
  - Consumer Dry Cleaning Plant
  - Group Assembly
  - Personal Instruction and Improvement and Small Scale Entertainment
  - Administrative
  - Business, Communication, and Media Service
  - Broadcasting and Recording Service
  - Research Service
  - General Wholesale Sales
  - Automobile and Other Light Vehicle Gas Station and Servicing
  - Automotive Fee Parking
  - Animal Care
  - Animal Boarding
4. Manufacturing Activities:
  - Custom

C. Additional Permitted Facilities in RH-4 and RD-1R-30 Zones. In the RH-4 and RD-1R-30 zones, the following facilities, as described in the use classifications, may be permitted in addition to the facilities otherwise permitted in said zone, provided that at least fifty (50)-percent (50%) of the dwelling units in the total development shall be One-Family Dwellings:

1. Residential Facilities:
  - One-Family Dwelling with Secondary Unit
  - Two-Family Dwelling
  - Multifamily Dwelling

D. Additional Permitted Facilities in Other Zones. Except in the R-1, R-10, R-20RH, and RD-1R-30 zones, the following facilities, as described in the use classifications, may be permitted in addition to the facilities otherwise permitted in the zone in which the development is located:

1. Residential Facilities:
  - One-Family Dwelling
  - One-Family Dwelling with Secondary Unit
  - Two-Family Dwelling
  - Multifamily Dwelling
  - Rooming House
2. Nonresidential Facilities:
  - Open
  - Drive-In

3. Signs:

Residential  
Business

E. Increase in Overall Density or Floor-Area Ratio.

1. Except in the ~~R-1, R-10, R-20RH~~, and ~~RD-1R-30~~ zones and except in a development incorporating the bonuses specified in subsection B of this section, the maximum overall number of living units in Residential Facilities and the maximum overall floor-area ratio, if any, otherwise permitted or conditionally permitted in the zone in which the development is located may be increased by up to thirty-three (~~33~~)-percent (33%) if the development contains a combination of two (2) or more of the following dwelling types and if not more than two-thirds (2/3) of the total number of living units are included in any one of such types:

- a. Detached buildings each containing only one living unit;
- b. Town house or similar one-family semi-detached or attached buildings each containing only one living unit;
- c. Buildings each containing two living units;
- d. Buildings each containing more than two living units.

2. Except in the ~~R-1, R-10, R-20RH~~, and ~~RD-1R-30~~ zones and except in a development incorporating the bonuses specified in subsection B of this section, the maximum overall number of living units in Residential Facilities and the maximum overall floor-area ratio, if any, otherwise permitted or conditionally permitted in the zone in which the development is located may be increased by up to twenty-five (~~25~~)-percent (25%) in a development other than one described in subsection (E)(1) of this section.

F. Distribution of Facilities without Reference to Lot or Block Line. The overall number of living units and amount of floor area, off-street parking and loading facilities, usable open space, and landscaping and screening may be located within the development without reference to lot lines or blocks, except as otherwise provided in Section 17.142.110(1) and except that required parking spaces serving Residential Activities shall be located within two hundred (200) feet of the building containing the living units served.

G. Waiver or Reduction of Yard and Other Dimensional Requirements. Except as otherwise provided in Section 17.142.110(E), the minimum lot area, width, and frontage; height; and yard requirements otherwise applying may be waived or modified for the purpose of promoting an integrated site plan.

H. Limitations on Signs. Except in the ~~R-1, R-10, R-20RH~~, and ~~RD-1R-30~~ zones and except in a development incorporating an increase in density or floor-area ratio pursuant to subsection E of this section, Signs may be developed subject to the limitations prescribed therefor in the ~~CC-1C-20~~ zone rather than those in the zone in which the development is located. (Ord. 12272 § 4 (part), 2000; prior planning code § 7812)

17.142.110 Development standards.

The following regulations shall apply to all developments for which a permit is required by Section 17.142.030:

A. Density and Floor-Area Ratio Calculation. The maximum overall number of living units in Residential Facilities and the maximum overall floor-area ratio, if any, shall be based on the land area within the development, excluding the following:

1. Publicly dedicated streets, freeways, alleys, and paths;
2. When computing density for Residential Facilities in the ~~R-1, R-10, R-20, R-30, R-35, R-36, R-40, R-50RH, RD, RM, C-10, C-20, or C-60~~ zones, the following:
  - a. Land, other than public housing sites, which is publicly owned or reserved for public ownership,
  - b. Land which is specifically devoted to or intended for Nonresidential Facilities.

B. Density in the R-1, R-10, R-20RH, and RD-1R-30 Zones. In the RH-1 zone, the maximum number of dwelling units shall be one unit for each forty three thousand five hundred sixty (43,560) square feet of land area as described in subsection A of this section. In the RH-1 and RH-240 zones, the maximum number of dwelling units shall be one unit for each twenty-five thousand (25,000) square feet of land area as described in subsection A of this section. In the RH-320 zone, the maximum number of dwelling units shall be one unit for each twelve thousand (12,000) square feet of land area as described in subsection A of this section. In the RH-4 zone, the maximum number of dwelling units shall be one unit for each eight thousand (8,000) square feet of land area as described in subsection A of this section. In the R-30 and RD-1 zone, the maximum number of dwelling units shall be one unit for each five thousand (5,000) square feet of land area as described in subsection A of this section.

C. Height in the RH-430 and RD-1 Zones. In the RH-430 and RD-1 zones, no building shall exceed fifty (50) feet in height, except as would otherwise be allowed by Section 17.108.020(A) and except for the same projections as are allowed by Section 17.108.030.

D. Performance Standards. Any Commercial or Manufacturing Activities in the development shall be subject to the applicable provisions of the performance standards in Chapter 17.120.

E. Yards and Courts. Yards and courts shall be provided of such depth and width as to provide the same minimum separation between walls of Residential Facilities or between such facilities and the walls of other facilities, regardless of whether such walls are on the same or on separate lots, as is generally required in the RU-2R-60 zone for courts between such walls when located on the same lot.

F. Usable Open Space. In the R-1, R-10, RH-1, RH-2 and RH-320 zones, two hundred (200) square feet of group usable open space per dwelling unit and three hundred (300) square feet of private usable open space per dwelling unit shall be provided for Residential Facilities; and in the RH-4-30 and RD-1 zones, two hundred (200) square feet of group usable open space per dwelling unit and one hundred (100) square feet of private usable open space per dwelling unit shall be provided for Residential Facilities. In any other zone, in any development incorporating an increase in overall density or floor-area ratio pursuant to Section 17.142.100(E), group usable open space shall be provided for Residential Facilities in the minimum amount of two hundred (200) square feet per dwelling unit. Except as otherwise provided in Section 17.142.100(F), all required usable open space shall conform to the standards for required usable open space in Chapter 17.126, and private usable open space may be substituted for required group space in the ratio prescribed in said chapter.

G. Undergrounding of Utilities. In any development which is primarily designed for or occupied by Residential Activities, all electric and telephone facilities; fire alarm conduits; streetlight wiring; and other wiring, conduits, and similar facilities shall be placed underground by the developer. Electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities. Street lighting and fire alarm facilities shall be installed in accordance with standard specifications of the Electrical Department.

H. Other Regulations. Except as otherwise provided in Section 17.142.100 and in this section, and except as more restrictive regulations may be prescribed pursuant to Section 17.142.060 or otherwise as a condition of approval of a planned unit development permit pursuant to Section 17.142.030, the development shall be subject to the regulations generally applying in the zone in which it is located and the provisions of Section 17.108.080.

I. Developments Divided by Boundaries. Any development which is divided by a boundary between zones shall be subject as if it were a single lot to the provisions of subsections (B)(2), (3), and (4) of Section 17.102.070 with respect to calculation of required parking, loading, and usable open space; calculation of maximum number of living units or floor-area ratio; and distribution of the resulting number of living units or amount of floor area. (Ord. 12272 § 4 (part), 2000; prior planning code § 7813)

## Chapter 17.148

### VARIANCE PROCEDURE

#### 17.148.020 Definition of major and minor variances.

A. Major Variance. A "major variance" is a variance which involves any of the following provisions:

1. Allowable activity types or facility types;
2. Maximum number of living units;
3. Minimum lot area, except in the situation mentioned in Section 17.106.010B;
4. Maximum floor-area ratio, except for One-Family Dwellings, One-Family Dwellings with Secondary Unit, and Two-Family Dwellings;
5. Maximum size of Commercial or Manufacturing establishments;
6. Restriction on over-concentration of Residential Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities as set forth in Section 17.102.212B;
7. Any variance application that requires development of an Environmental Impact Report;
8. Any variance application referred by the Director of City Planning to the City Planning Commission for initial decision pursuant to Section 17.148.040(B)(1).

B. Minor Variance. A "minor variance" is a variance which does not involve any of the provisions listed in subsection A of this section.

(Ord. 12237 § 4 (part), 2000; Ord. 12138 § 4 (part), 1999; prior planning code § 9601)

#### 17.148.040 Procedure for consideration.

##### A. Major Variances.

1. In All Zones. An application for a major variance shall be considered by the City Planning Commission which shall hold a public hearing on the application. Notice of the hearing shall be given by posting an enlarged notice on the premises of the subject property involved in the application. Notice of the hearing shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing. The Commission shall determine whether the conditions required in Section 17.148.050 are present, and may grant or deny an application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to promote the purposes of the zoning regulations. The ~~determination~~decision of the Commission shall become final ten (10) calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.148.070. In the event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal.

2. Alcoholic Beverage Sales Commercial Activities. In addition to following the provisions of subsection (A)(1) of this section, the City Planning Commission shall also determine whether the proposal conforms to the criteria for findings of "Public Convenience and Necessity" set forth in Section 17.102.210(B)(3).

##### B. Minor Variances.

1. In All Zones. An application for a minor variance shall be considered by the Director of City Planning. However, the Director may, at his or her discretion, refer the application to the City Planning Commission rather than acting on it himself or herself. At his or her discretion, an administrative hearing may be held. Notice shall be given by posting an enlarged notice on the premises of the subject property involved in the application; notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of

the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing, if such is to be held, or, if not, for decision on the application by the Director. The Director shall determine whether the conditions required in Section 17.148.050 are present, and may grant or deny the application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in his or her judgment necessary to promote the purposes of the zoning regulations. The determination-decision of the Director of City Planning shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission in accordance with Section 17.148.060. In those cases which are referred to the Commission by the Director, the decision of the Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with Section 17.148.070. In the event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal.

C. Alternative Notification Procedures. If the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement the procedures set forth in subsections A and B of this section (Ord. 12376 § 3 (part), 2001; Ord. 12237 § 4 (part), 2000; Ord. 11831 § 6, 1995; prior planning code § 9603)

#### 17.148.050 Findings required.

A. With the exception of variances for adult entertainment activities or sign facilities, a variance may be granted only upon determination that all of the following conditions are present:

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.

2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation;

3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy;

4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations;

5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.050;:-

6. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

76. For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or-building length-along-side-lot-lines maximum floor area ratio, the proposal also conforms with at least one of the following additional criteria:

a. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

b. Over sixty (60) percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.

B. A variance for adult entertainment activities shall be granted upon a determination that all of the following conditions are present, notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstance or conditions of design;

2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property;

3. That the variance will not adversely affect the use of churches, temples or synagogues; public, parochial or private elementary, junior high or high schools; public parks and recreation centers; public or parochial playgrounds; residences; child care facilities; elderly residential care facilities; hospitals; medical clinics; colleges; or libraries, all within a five hundred (500) foot radius by engendering sounds, activities, visual depictions or advertisements that create an exterior atmosphere which unreasonably interferes with the operations of such surrounding uses;

4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations. (Ord. 12376 § 3 (part), 2001: prior planning code § 9604)

C. A variance for sign facilities shall be granted upon a determination that all of the following conditions are present, notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstance or conditions of design;

2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; and

3. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.

#### **17.148.060 Appeal to Planning Commission--Minor variances.**

Within ten (10) calendar days after the date of a decision by the Director of City Planning on an application for a minor variance, an appeal from said decision may be taken to the City Planning Commission by the applicant or any other interested party. In the case of appeals involving one- or two-unit Residential Facilities, the appeal shall be considered by the Commission's Residential Appeals Committee. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City Planning Department and shall be filed with such Department. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his or her decision is not supported by the evidence in the record. Upon receipt of such appeal, the Secretary of the City Planning Commission shall set the date for consideration thereof. Not less than seventeen (17) days prior to the date of the Commission's or Committee's consideration of the appeal, the Secretary shall give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on

the appeal. In considering the appeal, the Commission or, if applicable, the Committee shall determine whether the conditions required in Section 17.148.050 are present, and may grant or deny an application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to carry out the purposes of the zoning regulations. The decision of the Commission or, if applicable, the Committee shall be final. (Ord. 12376 § 3 (part), 2001; Ord. 12237 § 4 (part), 2000; prior planning code § 9605)

**17.148.070 Appeal to Council--Major variances.**

A. With the exceptions of appeals for adult entertainment activities or for signs, appeals to the City Council shall be governed by the following:

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for a major variance, an appeal from said decision may be taken to the City Council by the applicant, the holder of the variance, or any other interested party. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City Planning Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. Upon receipt of such appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal.

The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the Council shall determine whether the conditions required by Section 17.148.050 are present, and may grant or deny an application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to carry out the purposes of the zoning regulations.

The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing of the appeal. If the Council is unable to decide the appeal at that meeting, it shall appear for a vote on each regular meeting of the Council thereafter until decided.

B. Appeals to the City Council relating to adult entertainment activities or for signs shall be governed by the following:

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for a major variance, an appeal from said decision may be taken to the City Council by the applicant, the holder of the variance, or any other interested party. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. Upon receipt of the appeal, the Council shall set the date for consideration thereof. The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant;



adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the Council shall determine whether the conditions required by Section 17.148.050 are present, and shall grant an application for variance if it determines that all the said criteria are present or require such changes in the proposed use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said criteria. The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing of the appeal. If the Council is unable to decide the appeal at that meeting, it shall appear for a vote on each regular meeting of the Council thereafter until decided. In any event, however, the City Council must decide the appeal within sixty (60) days of the appeal being filed. (Prior planning code § 9606)

**17.148.110 Limitation on resubmission.**

Whenever an application for a major variance has been denied by the City Council or denied by the Planning Commission and the applicant fails to file a timely appeal with the City Council, no such application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one year after the date of denial. This section shall not apply in instances where the applicant can show, on the face of any subsequent application, changed circumstances sufficient to justify a rehearing. Applications for hearing pursuant to this section shall be considered by the Director of City Planning. A ~~determination~~-decision by the Director shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Any such decision by the City Planning Commission shall be final. (Prior planning code § 9610)

## Chapter 17.152

### ENFORCEMENT

## Chapter 17.154

### ZONING MAPS

#### 17.154.020 Maps and designated landmarks.

A. Section Maps Showing Zone Boundaries. Subject to the provisions of Sections 17.154.030, 17.154.040, and 17.154.050, the zones referred to in the zoning regulations are established, and the boundaries between these zones are established and fixed, as shown on the section zoning maps on file in the City Clerk's Office, which are numbered or lettered as follows: 12; 18; 22 through 26, inclusive; 30 through 36, inclusive; 39 through 47, inclusive; 51 through 59, inclusive; 63 through 71, inclusive; 74 through 84, inclusive; 86 through 141, inclusive; 148 through 160, inclusive; 164 through 177, inclusive; 181 through 194, inclusive; 200 through 213, inclusive; 216 through 230, inclusive; 233 through 247, inclusive; 249 through 256, inclusive; 258 through 261, inclusive; 264 through 270, inclusive; 273 through 276, inclusive; 283 through 293, inclusive; 296 through 305, inclusive; 307 through 335, inclusive; 337 through 339, inclusive; 341 through 348, inclusive; 350 through 356, inclusive; 358; and A through D, inclusive. Said section maps and all subsequent additions and revisions thereto are incorporated as part of this section.

B. Legend and Index for Section Zoning Maps. Subject to the provisions of Section 17.154.040, the sheets on file in the City Clerk's Office and entitled "Legend for Section Maps" and "Index to Section Maps," respectively, legend for the zoning maps are incorporated as part of this section.

C. Development Control Maps. Subject to the provisions of Sections 17.154.030, 17.154.040, and 17.154.050, the boundaries and other features of development control maps are established and fixed as shown on the development control maps Development Control Map No. 1 (Peralta Oaks) and Development Control Map No. 2 (North Oakland Hill Area Specific Plan), on file in the City Clerk's Office, including all subsequent amendments thereto, and on such additional development control maps as are hereafter adopted. All such development control maps are incorporated as part of this section.

D. Designated Landmarks and Landmark Sites. Subject to the provisions of Sections 17.154.040 and 17.154.050, the boundaries and other features of designated landmarks and landmark sites are established and fixed as indicated in such ordinances as are hereafter adopted pursuant to Section 17.136.070 and the rezoning and law change procedure in Chapter 17.144. All such ordinances are incorporated as part of this section. (Prior planning code § 10002)

#### 17.154.040 Maintenance and revision of maps.

The Director of City Planning shall properly maintain the section zoning maps, the legend and index therefor, the development control maps, and the ordinances designating landmarks and landmark sites. When appropriate he or she shall update these by changing the revision dates thereon and the street pattern, lot lines, or other orientation features, and by indicating approved planned unit developments pursuant to Section 17.140.090. When land is annexed to Oakland, or rezoned pursuant to Section 17.07.040B, he or she shall, where appropriate, create new development control section maps with the zoning indicated pursuant to Section 17.154.030. Except as required by Section 17.154.030, however, he or she shall make no changes in zone boundaries or substantive changes in development control maps or designated landmarks and landmark sites and all proposals for such changes shall be considered pursuant to the rezoning and law change procedure in Chapter 17.144. (Prior planning code § 10007)

## Chapter 17.157

### DEEMED APPROVED HOTEL AND ROOMING HOUSE REGULATIONS

## Chapter 17.158

### ENVIRONMENTAL REVIEW REGULATIONS

#### 17.158.180 Ministerial actions.

Ministerial actions typically processed by the city include, but are not limited to:

- A. Issuance of building, plumbing, mechanical, and electrical permits;
- B. Issuance of sign and banner permits;
- C. Issuance of sewer permits;
- D. Issuance of sidewalk, driveway, curb, and gutter permits;
- E. Issuance of ministerial demolition permits, as defined in Chapter 15.36 of the Oakland Municipal Code, except where either the demolition or replacement project requires any discretionary approvals, pursuant to Title 17 of the Oakland Planning Code;
- F. Issuance of rerooting permits;
- G. Issuance of pest control permits;
- H. Approval of individual utility service connections or disconnections;
- I. Approval of final subdivision maps;
- J. Approval of parcel map waivers, including lot line adjustments and lot combinations;
- K. Design review exemptions, as defined in Chapter 17.136 of the Oakland Planning Code;
- L. Issuance of business licenses and payment of business taxes;
- M. Granting of permits by the Police and Fire Departments. (Ord. 12776 § 3, Exh. A (part), 2006; Ord. 11766 § 2 (part), 1994; prior planning code § 1140)

#### 17.158.190 Discretionary actions.

Discretionary actions typically processed by the city include, but are not limited to:

- A. Certain approvals granted under the zoning regulations, including but not limited to:
  1. Conditional use permits;
  2. Small project design review, as defined in Chapter 17.136 of the Oakland Planning Code;
  3. Regular design review, as defined in Chapter 17.136 of the Oakland Planning Code;
  4. Development agreements;
  5. Planned unit developments;
  6. Rezoning;
  7. Variances.
- B. Certain approvals granted under the subdivision regulations, including but not limited to:
  1. Private access easements;
  2. Tentative parcel maps;
  3. Tentative tract maps.
- C. Certain permits issued under other city codes, regulations, and ordinances, including but not limited to:
  - I. Discretionary demolition permits, as defined in Chapter 15.36 of the Oakland Municipal Code, and as related to any demolition or removal of structures on a site where the zoning regulations requires design review to alter the exterior appearance of the applicable building facility, regardless of whether the owner intends to create a surface parking lot or a vacant lot pursuant to Section 15.36.080;

Exhibit A: Code Amendments  
3/15/11 City Council

2. Encroachment permits;
  3. Excavation permits;
  4. Grading permits;
  5. House moving permits;
  6. Obstruction permits;
  7. Permits for private construction of public improvements ("P-job" permits);
  8. Special activity permits issued by the City Administrator;
  9. Tree removal permits;
- D. Amendments to the zoning regulations, subdivision regulations, other codes and regulations governing the issuance of discretionary permits, or the Oakland General Plan.
- E. Projects sponsored or assisted by the city or the Redevelopment Agency. (Ord. 11766 § 2 (part), 1994: prior planning code § 1150)

## Bentley School Appeal –Draft

The Planning Commission's action on February 16<sup>th</sup> specified that the monitoring times to determine compliance with the SOV reduction number be:

- 7:15-8:45 AM
- 2:00-5:00 PM
- Once a trimester from 7:15-8:45 AM and 2:00-6:00 PM

The Appeal documentation suggests that there was improper notice of the Planning Commission's action. The School believes that the monitoring should take place during peak timeframes only and that occurs from 8:00-8:30 AM and 2:40-3:40 PM. Staff does not believe that the Planning Commission was in error or abused their discretion to specify the monitoring times for complying with the SOV reduction for the following reasons.

1. The TDM that was approved on July 21, 2010 stated:

- d) Reduction in single occupancy vehicles (SOV) (formerly titled Minimum bus ridership requirement:  
The project applicant shall reduce the number of single occupancy vehicles (SOV) driven by 25% of ~~422~~ 323 (~~360~~ 352 students ~~and 62~~ plus 71 faculty and staff ~~minus 79 students that were taking the bus as noted in the certified EIR and the 21 parking spaces for the lower parking lot~~) by the beginning of the fall trimester 2010 (242 trips total) and by 35% by the beginning of the fall trimester 2012 (210 trips total). The applicant shall utilize a variety of options including AC Transit and private shuttle busing, vanpooling, carpooling, walking, and bicycling to achieve this reduction. ~~In the interim, the applicant shall retain the current use of AC Transit and the private shuttle bus and make reasonable good faith efforts to increase bus ridership until the mandatory reductions become effective.~~ The TDM plan shall specifically discuss (i) all alternative transit options and make recommendations regarding how to achieve the trip reduction; (ii) how the school will monitor and report the numbers to the city; (iii) how the city can determine compliance; and (iv) recommend appropriate enforcement options including, a cure period, enrollment reductions, etc. ~~Once city staff has conditionally approved the plan (after review and comment), it shall be noticed Planning Commission agenda item for review and approval.~~
- a) The TDM did not specify monitoring timeframes. A strict interpretation of the Condition and one that would be reasonably assumed is that the Independent Rule Enforcers would need to count all day in order to come up with the total number of vehicles that came to the school in order to arrive at the 242 trip total beginning fall of 2010.
- b) The School did not ask to clarify the timeframes at the meeting, subsequent to the meeting, and did not appeal the language to the City Council within the appeal timeframe.
- c) Staff acknowledges that without a specified monitoring timeframe, City staff, the School, and the neighbors were unsure of when the counting should occur. City staff and the Independent Rule Enforcers believed that it was generally peak periods. This was based on the following reasons:
- That spreading out the traffic was positive in that it would reduce traffic congestion which was a main consideration of the TDM.
  - That the traffic outside peak periods was light and that would be similar to a normal traffic pattern on Hiller.

- That it was unreasonable to count all day given that when school is in session, school traffic would be practically nonexistent and again the traffic flows would be light before and after school.

If there was any error or abuse in discretion, it would seem that it would be staff's in interpreting that the counts should occur generally during at peak periods and traffic congestion was not the main or only reason for change from a minimum bus ridership to an overall SOV reduction.

- d) However, it should be noted that the Independent Rule Enforcers generally counted outside the peak periods anyway. For example counting began:

May Report (previous year before SOV reduction requirement): 7:30-9:00 AM, 2:30-4:00 PM

Sept Report: 7:00-9:00 AM, 2:00-4:00 PM and 7:00-8:30 AM, 2:30-3:20 PM

Oct Report: 7:15-8:30 AM, 2:30-4:00 PM and 7:30-8:30 AM, 2:15-3:40 PM

Nov Report: 7:00-8:45 AM, 2:30-3:40 PM and 7:15-8:45 AM, 2:40-3:40 PM

Dec Report: 7:20-8:30 AM, 2:40-3:45 PM and 7:15-8:30 AM, 2:30-4:00 PM

The School did not object to the counts or the methodology in any correspondence to the City. In contrast the neighbors did have comments on the TDM methodology and the counting starting August 1, 2010 after the first monitoring report (May 2010) was submitted (July 21, 2010). Staff acknowledged that these "were good comments." The neighbors continue as of March 7<sup>th</sup> to comment on the reporting.

- e) Finally, the action taken by the Planning Commission actually was a more lenient interpretation of an all day count given that the daycare operations begin 7:30 and end at 6:00 and staff which is included in the SOV reduction must be on hand until after these timeframes.

2. The Planning Commission revised Condition 11: Annual Compliance Review and Matrix at the October 2009 hearing. This revision required the Project applicant shall notify Planning and Zoning staff in December of 2010, of the need to return to the Planning Commission for review of compliance with conditions of approval under a noticed, informational Director's Report, along with the completed compliance matrix required above.

Because 2 portions of the TDM were still outstanding, staff decided to combine the approval of the two remaining portions of the TDM and the review of compliance into one report.

3. The notice clearly stated that there would be a review the School's Condition of Approval compliance record since the project was approved by the Planning Commission on October 21, 2009.
- a) In reviewing compliance, the Commission felt the need to clarify the SOV Condition regarding monitoring. While the School believes that the clarification altered the Condition to be substantially more stringent, the neighbors believe that the Condition was altered to be less stringent. Staff would agree that the clarification is actually less stringent than a reasonable interpretation of the language.
- b) Staff believes that their might be an issue in noticing depending on an interpretation of "reviewing" and/or "determining" compliance based on the fact that staff would have complied with Condition 11 with an informational report to the Commission and not a public hearing. This is further complicated by the fact that the public hearing was not noticed to include that the

school was out of compliance, but the staff report, did provide official notice that the school was out of compliance with the SOV reduction. Per the staff report and the TDM enforcement procedures, the School had until April 2010 to achieve compliance.

4. The Appeal states that there were no supporting findings for the “draconian reduction” in allowable trips. Again, the SOV reduction was approved at the July 21, 2010 meeting and was appealable. The School did not appeal during the required timeframe and a reasonable interpretation was that the trip reduction was a total number of trips based on the language in the Condition.
5. Staff does not believe that the clarification to the monitoring timeframes amount to a substantial modification of the CUP. The CUP was approved in October 2009 and required a TDM. The language from the October 2009 meeting is below.

d) Minimum bus ridership requirement:

The project applicant shall reduce the number of single occupancy vehicles (SOV) driven by 25% of 422 (360 students and 62 faculty and staff) by the beginning of the fall trimester 2010 and by 35% by the beginning of the fall trimester 2012. The applicant shall utilize a variety of options including AC Transit and private shuttle busing, vanpooling, carpooling, walking, and bicycling to achieve this reduction. In the interim, the applicant shall retain the current use of AC Transit and the private shuttle bus and make reasonable good faith efforts to increase bus ridership until the mandatory reductions become effective. The TDM plan shall specifically discuss (i) all alternative transit options and make recommendations regarding how to achieve the trip reduction; (ii) how the school will monitor and report the numbers to the city; (iii) how the city can determine compliance; and (iv) recommend appropriate enforcement options including, a cure period, enrollment reductions, etc. Once city staff has conditionally approved the plan (after review and comment), it shall be noticed Planning Commission agenda item for review and approval. maintain the minimum level of bus ridership per AC Transit's requirements on both

of the current school tripper lines (currently the 604 & 689), even if AC Transit raises the minimum ridership level. If AC Transit discontinues the service, the school will provide a private shuttle service to serve the minimum requirement. A minimum of 22% on average of the approved student enrollment (or 79 students) shall be required to use the bus or school shuttle. The applicant shall monitor bus and/or shuttle ridership every day for one month in the beginning of each semester and submit a report no later than the second month to both AC Transit and the City of Oakland Transportation Services Division and Planning and Zoning Division for review.

Again the language from the October 2009 approval letter did not specify monitoring timeframes but an SOV reduction.

6. The Appeal states that approval and all actions taken since were based on peak period only and did not limit non-peak period traffic. This is untrue. Based on the monitoring reports submitted, counts were taken before and after peak periods. Staff's determination that the School was out of compliance is based on the counts reported including non-peak counts. It is not clear if the School is appealing this determination or just the clarification of the monitoring timeframes.
7. The Appeal states that measuring peak period traffic is consistent with all planning practices and increasing the monitoring timeframes is unprecedented. It is true that counts are typically done at peak periods. This is because the focus is on traffic congestion and peak periods have more congestion. However, the Condition was not intended just to address congestion but also carbon footprint, and neighborhood enjoyment. In addition, the SOV reduction addressed intensity of use and specifically Commissioner Boxer's intent to make the School feel like it had a student body of 280 and not 360. Again, the School did not appeal the decision on October 2009 or July 2010 and a strict and reasonable interpretation of the language would be total trips per day and not peak.

8. The Appeal states that the measuring of traffic counts during peak periods only has been the practice of the City and all interested parties during implementation of the CUP. This is incorrect. The Independent Rule Enforcers were counting before and after peak periods.
9. The Appeal states that the course of conduct for implementing and monitoring the conditions of approval establish that peak period traffic counts were subject to limits and not the timeframes specified by the Commission at the February 16<sup>th</sup> public hearing. This is not true. Nowhere in the Condition of Approval language were their limits on traffic counts or that counts should only be conducted during peak periods only. Furthermore, the Appeal does not include specific references backing this up.



Exhibit B-1  
Area 1 - North Hills

As revised March 1, 2011

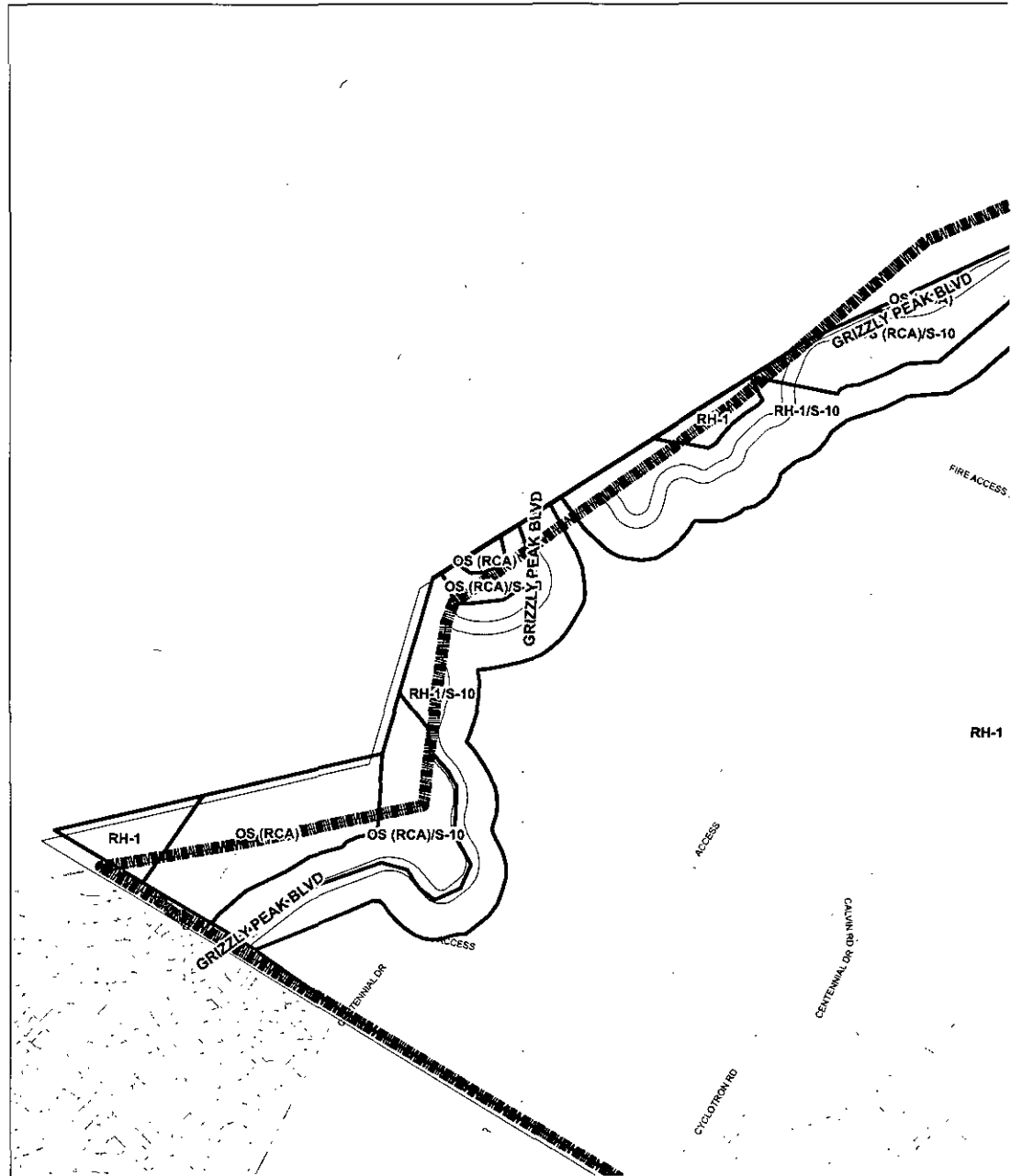


Exhibit B-2  
Area 1 - North Hills

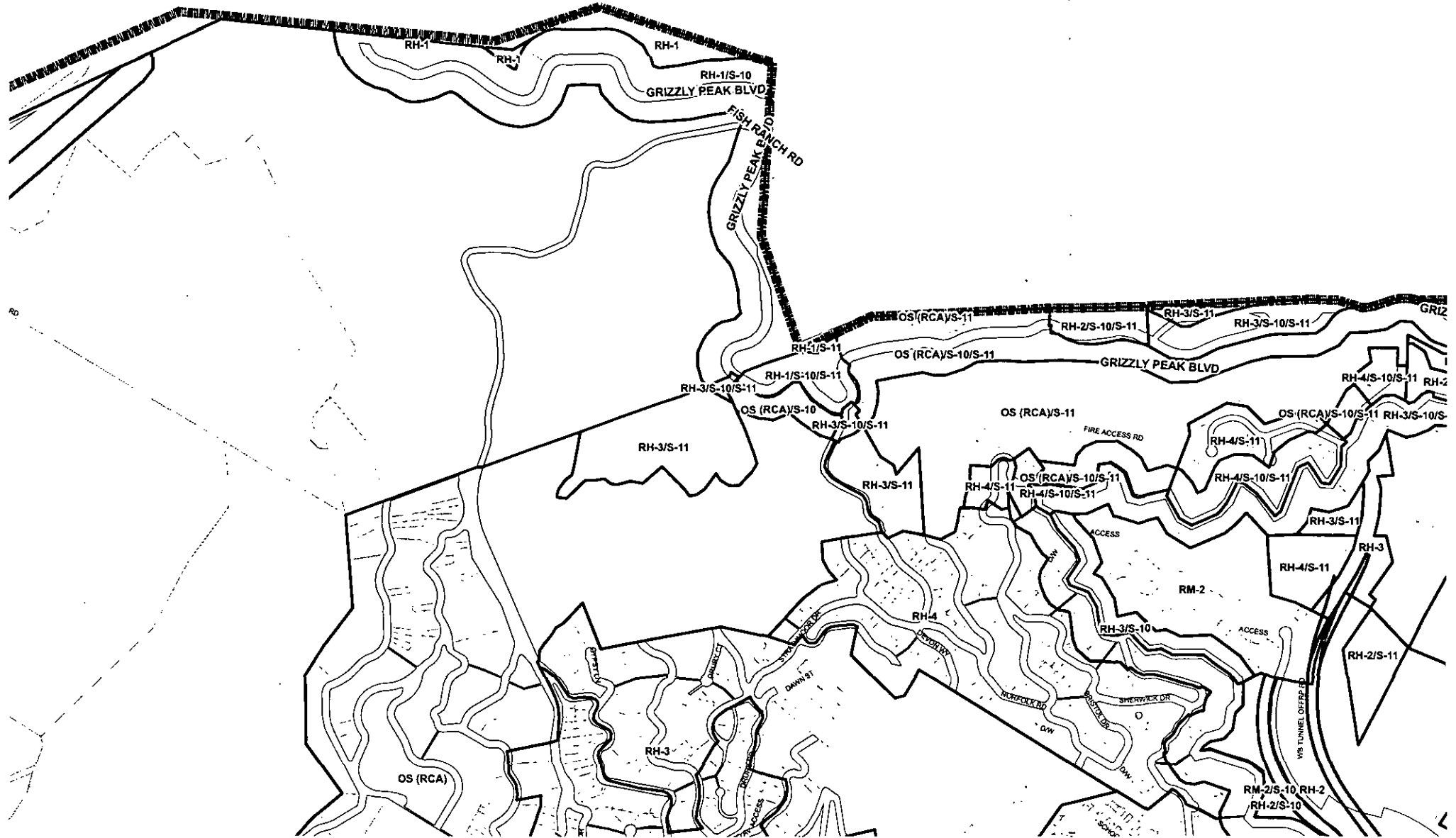


Exhibit B-3  
Area 1 - North Hills

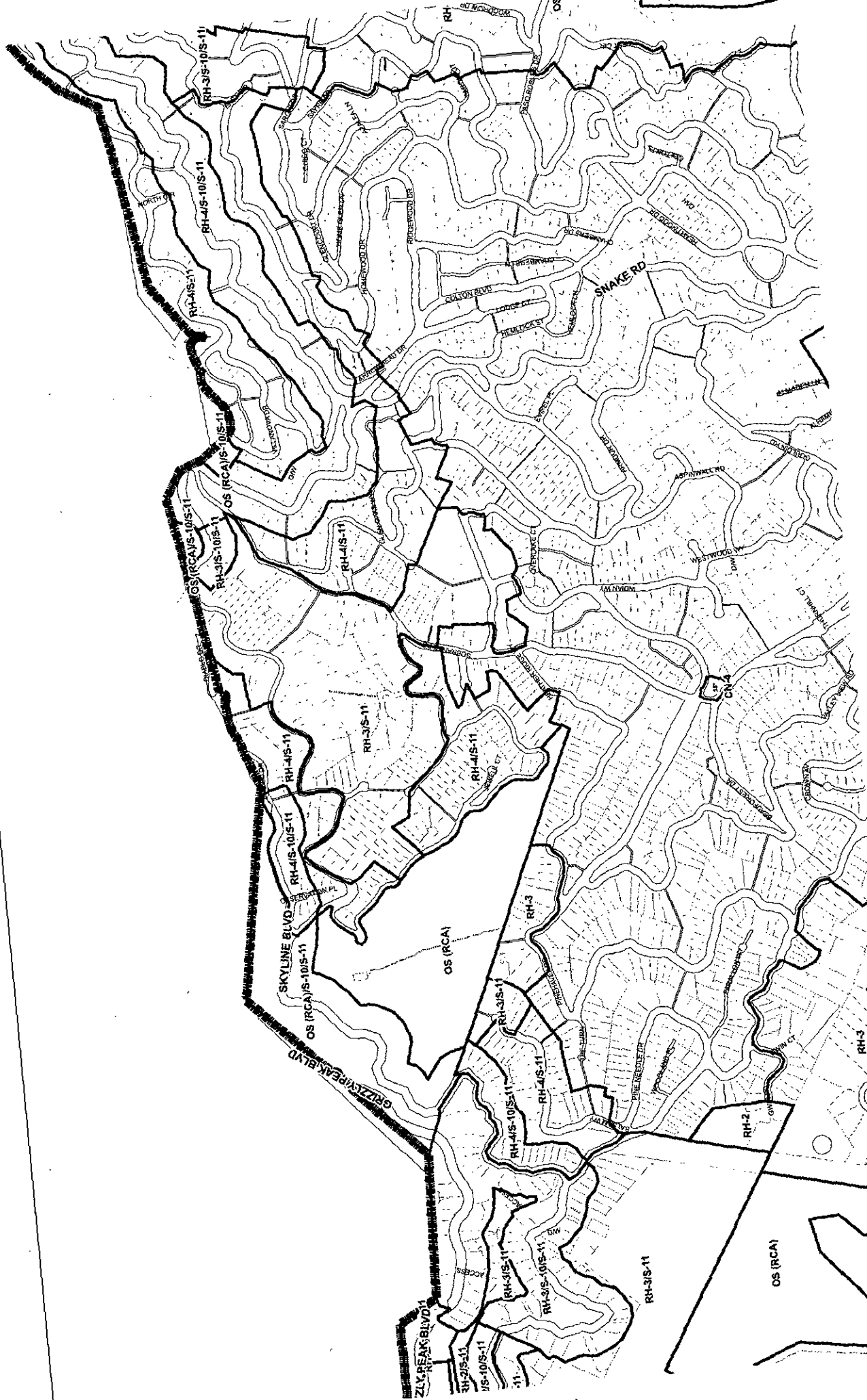


Exhibit B-4  
Area 1 - North Hills

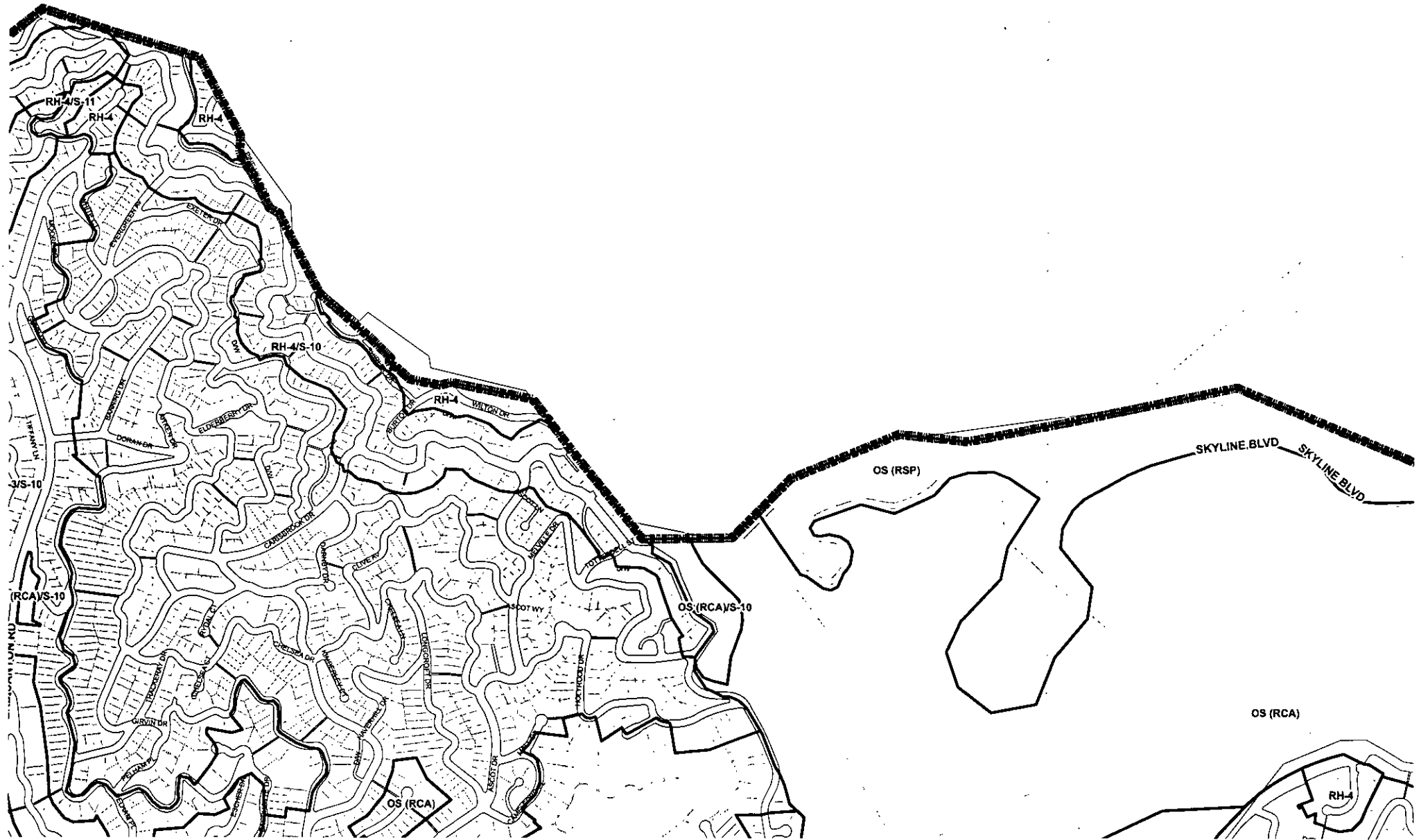
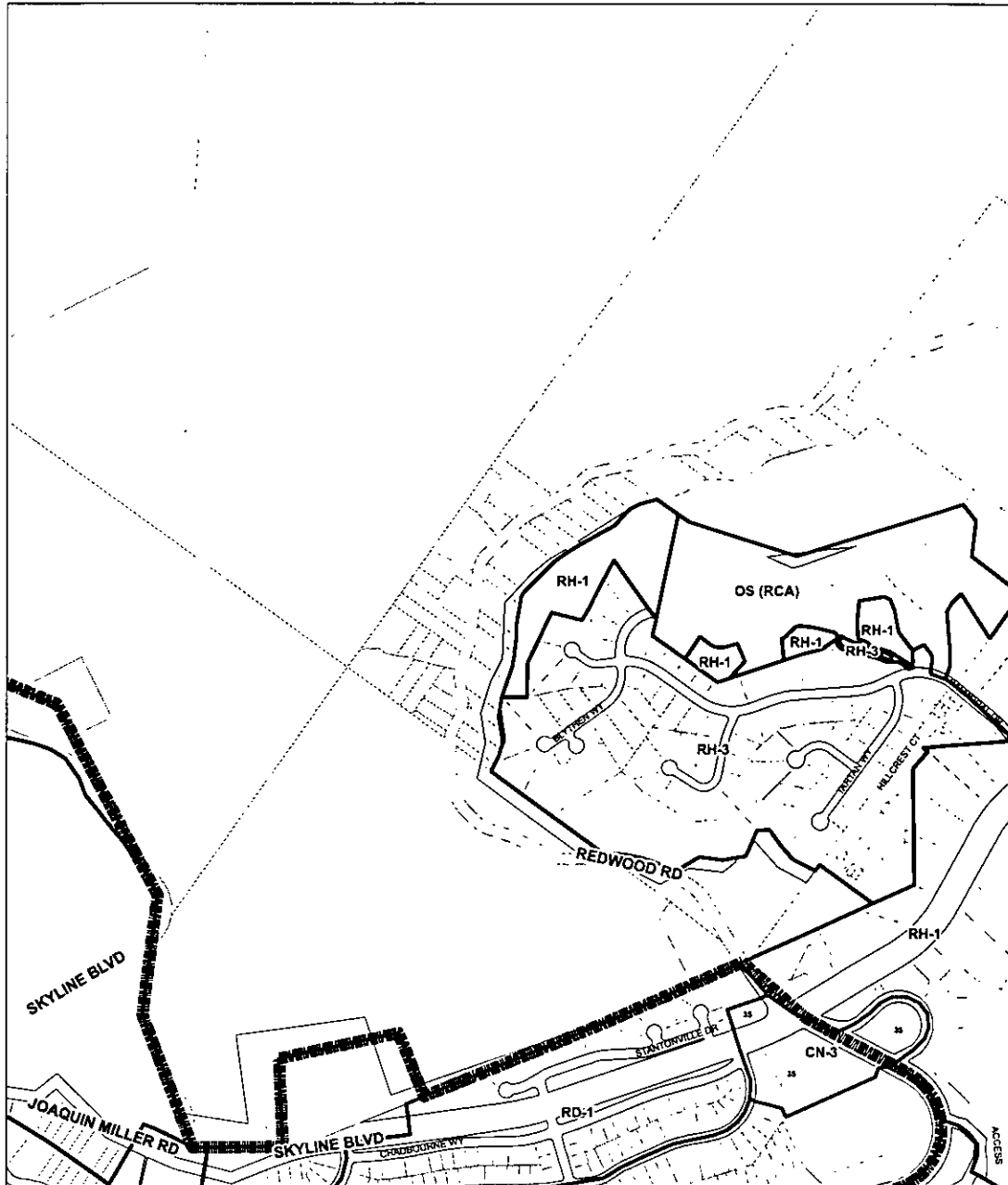
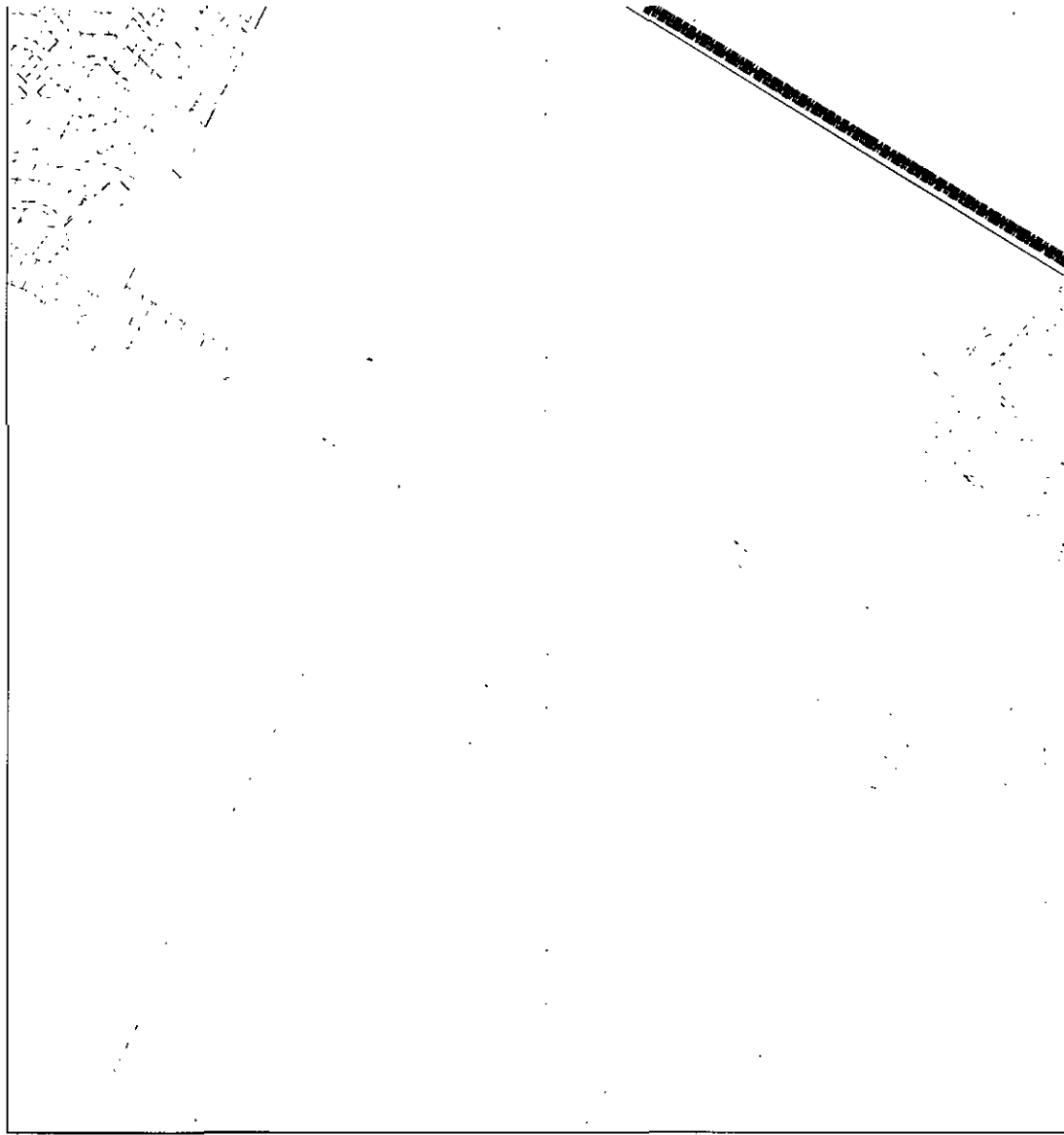


Exhibit B-5  
Area 1 - North Hills



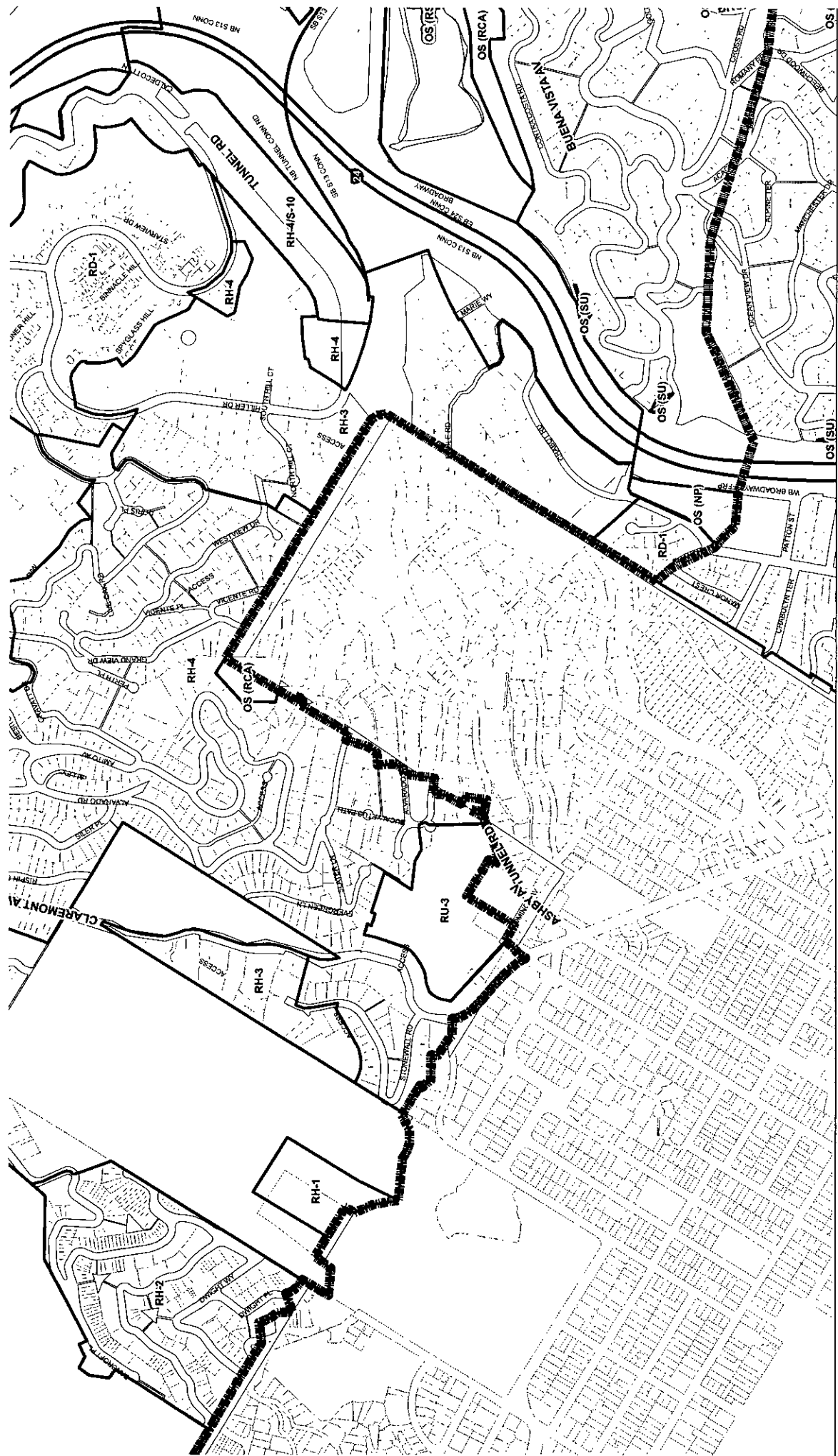


**PROPOSED ZONING AND HEIGHT LIM**

Area 1 - North Hills

Exhibit B-6

Area 1 - North Hills



**ITS**

Exhibit B-7  
Area 1 - North Hills

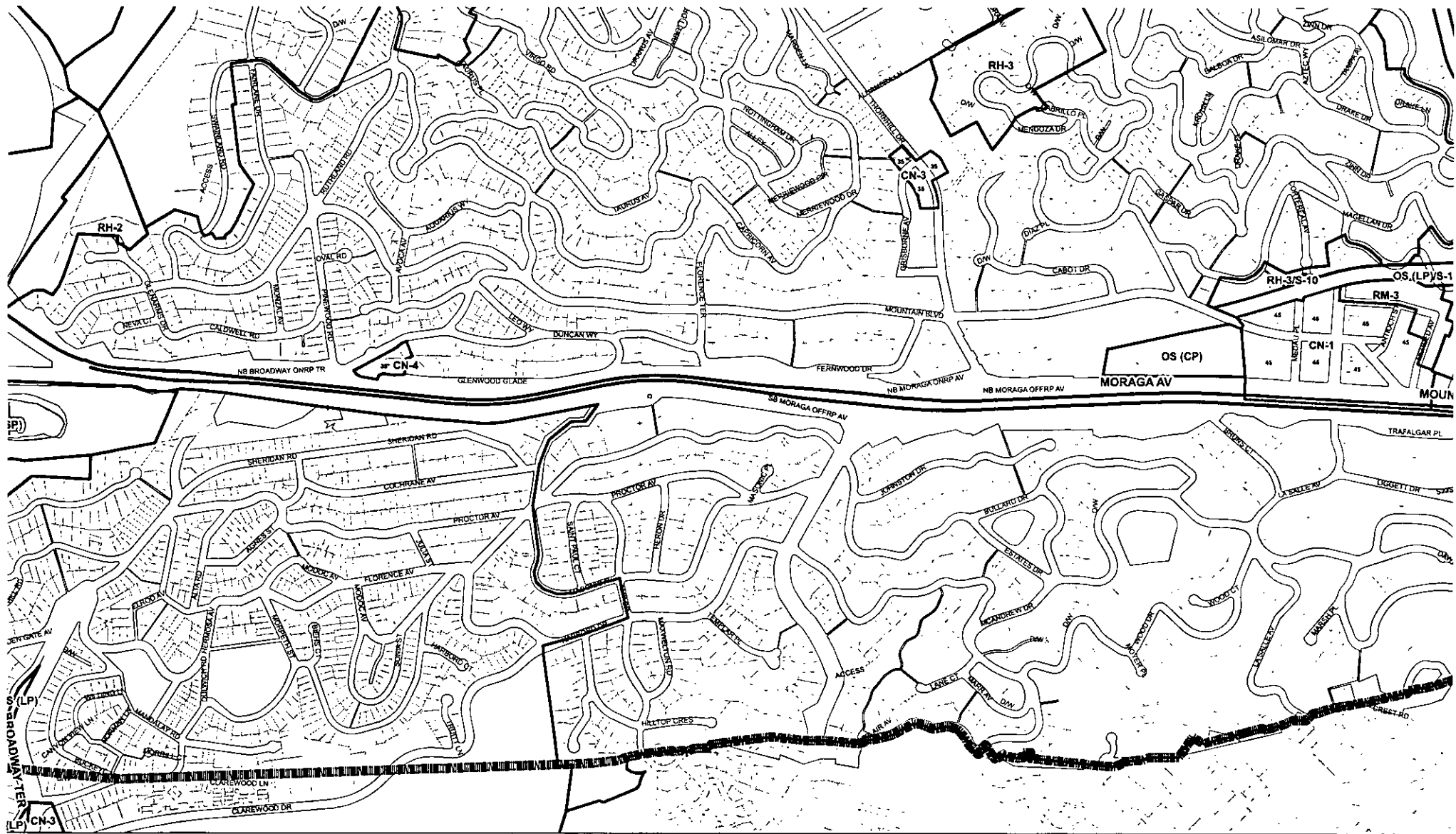
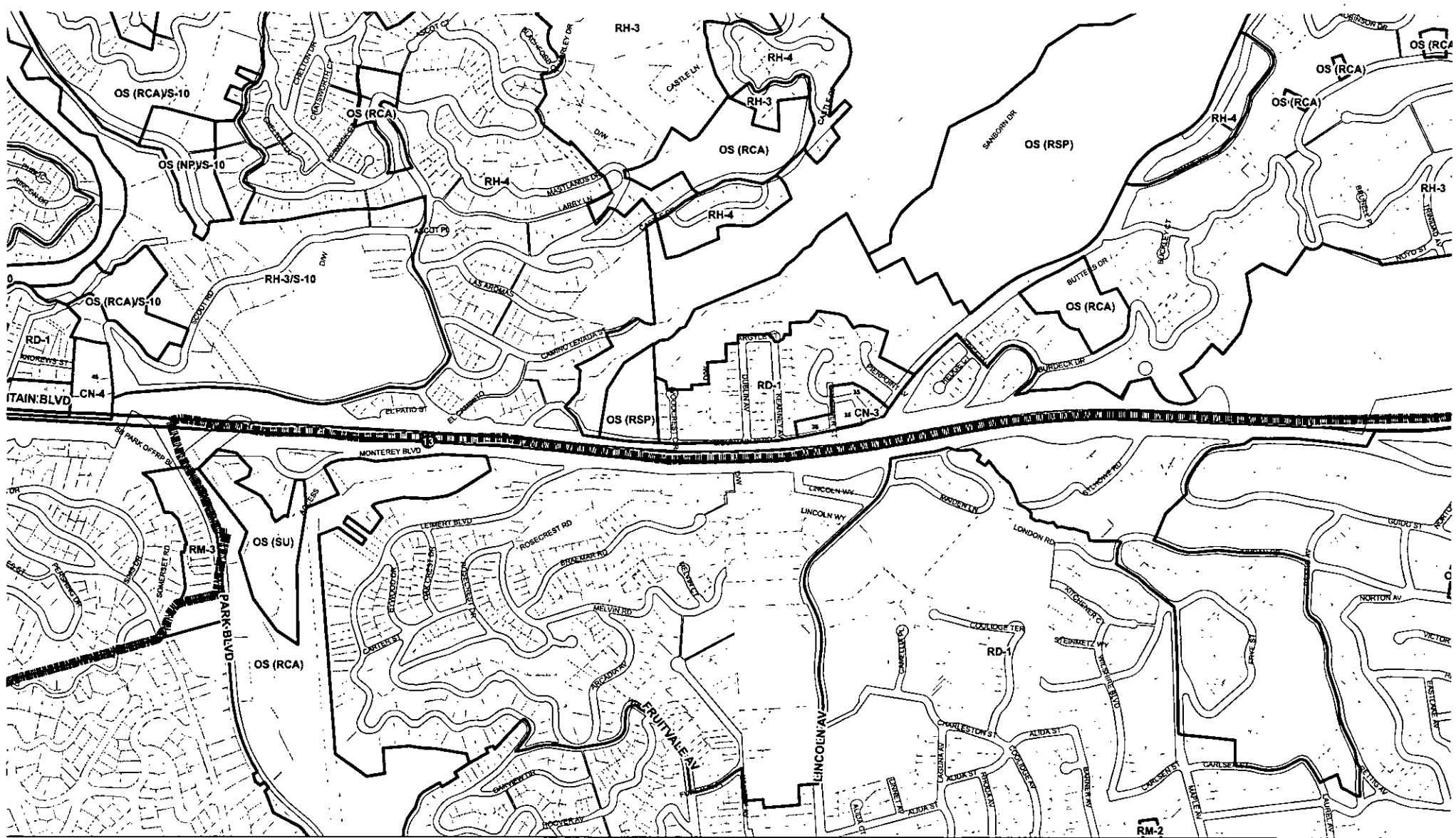


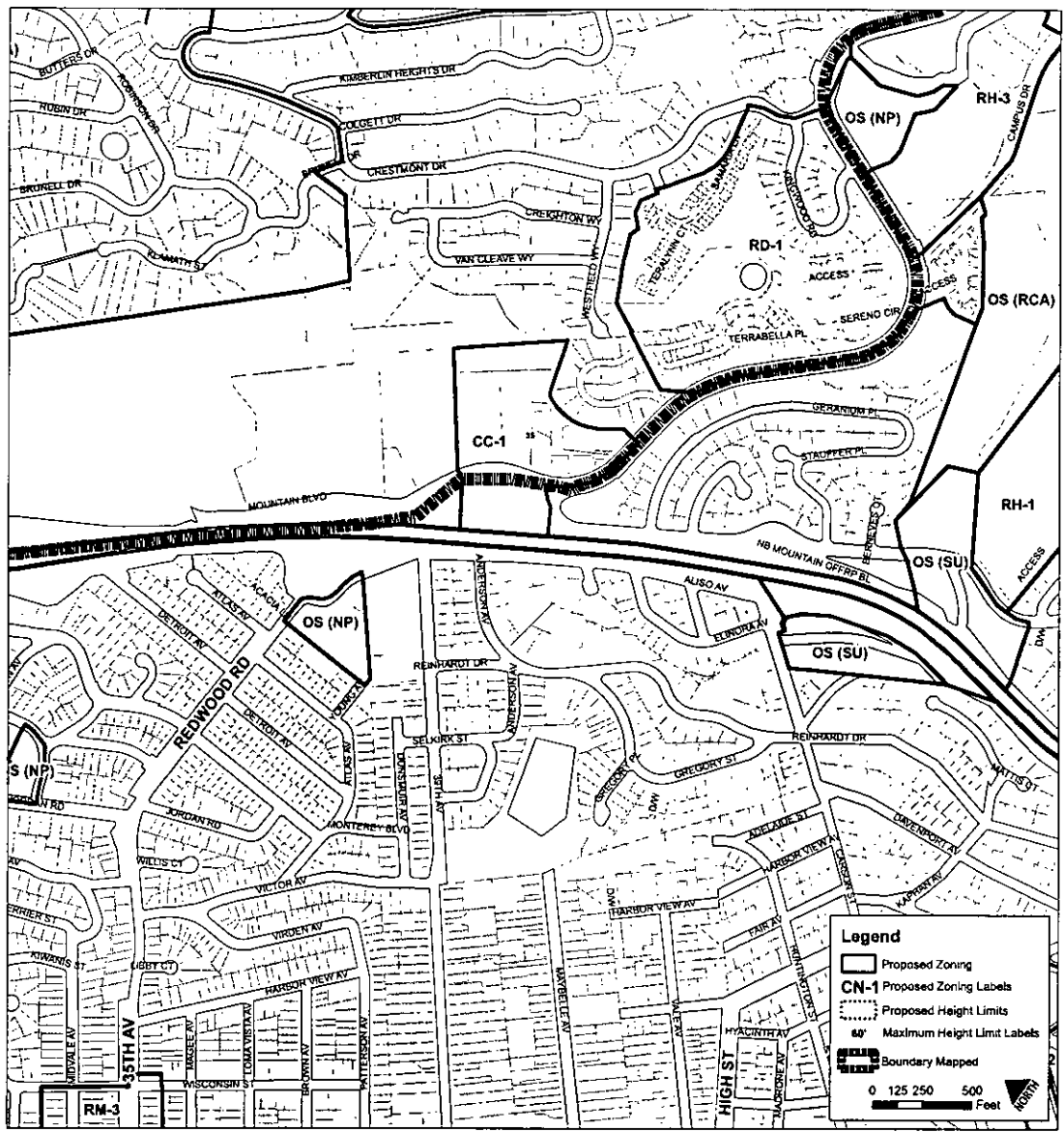
Exhibit B-8  
 Area 1 - North Hills





\*As the zoning u

Exhibit B-9  
Area 1 - North Hills



## CC 3/15/2011

update moves forward, please continue to check the proposals, since revisions may occur at each stage of the adoption process.

Exhibit B-10  
Area 1 - North Hills

Exhibit B-11  
Area 1 - North Oakland

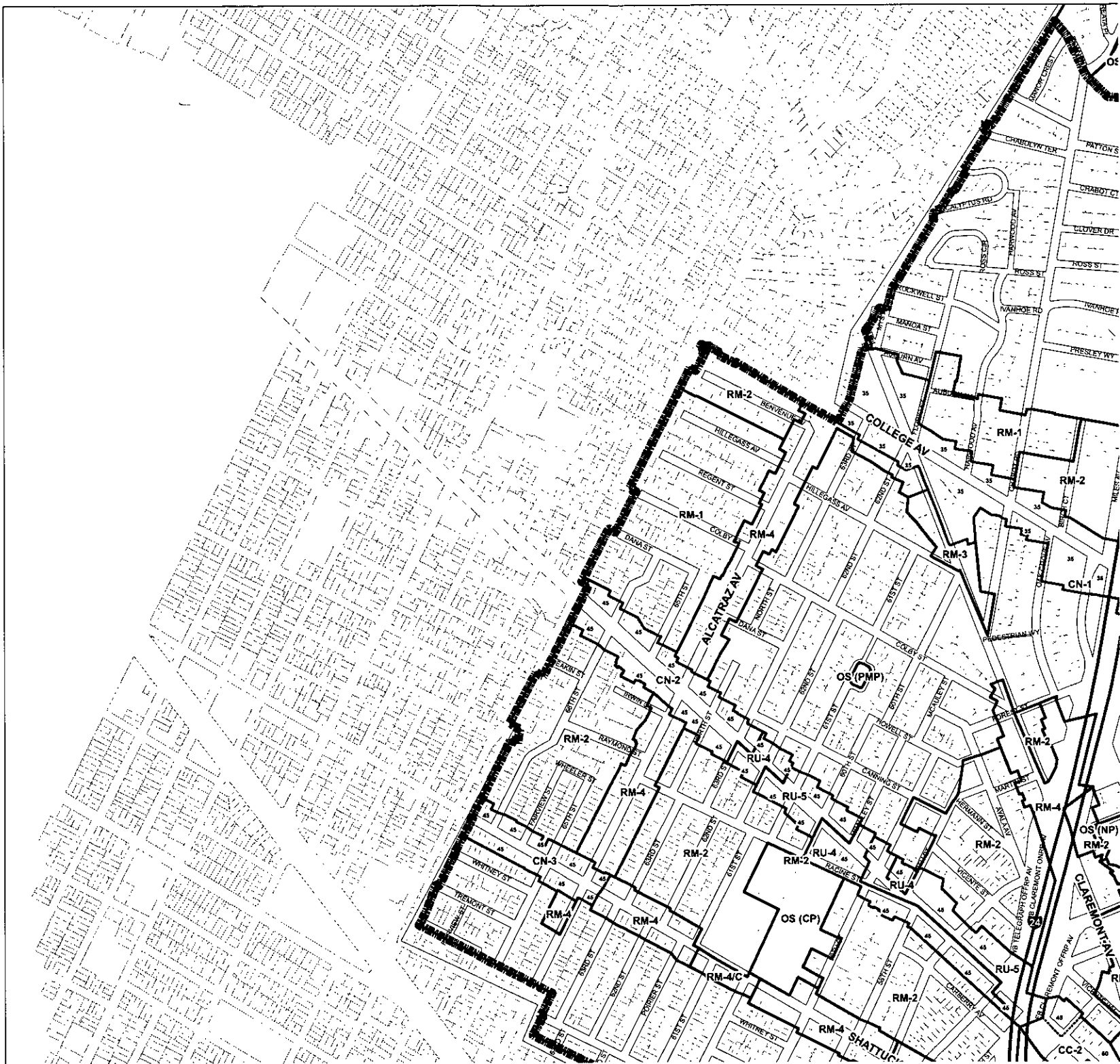
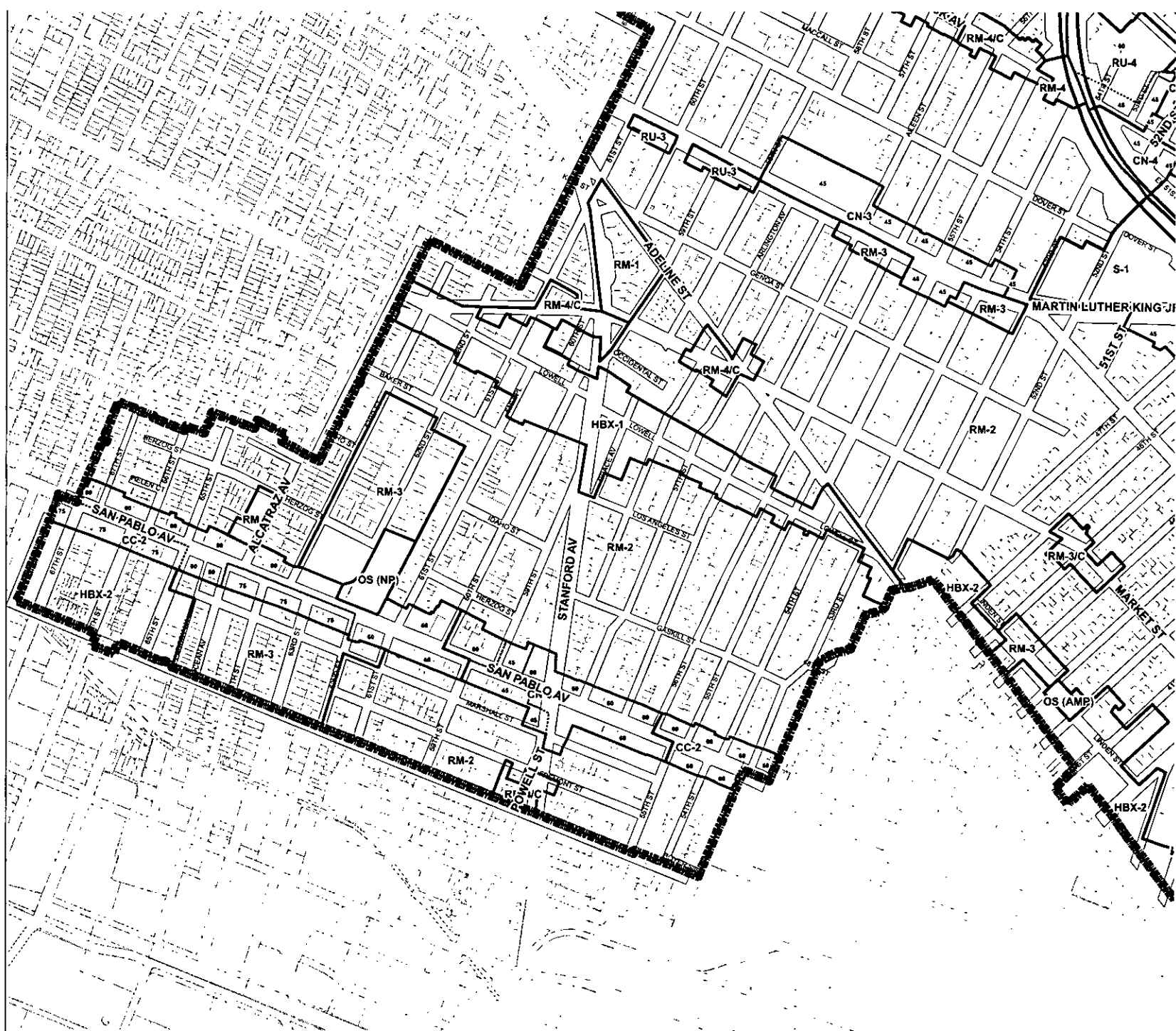




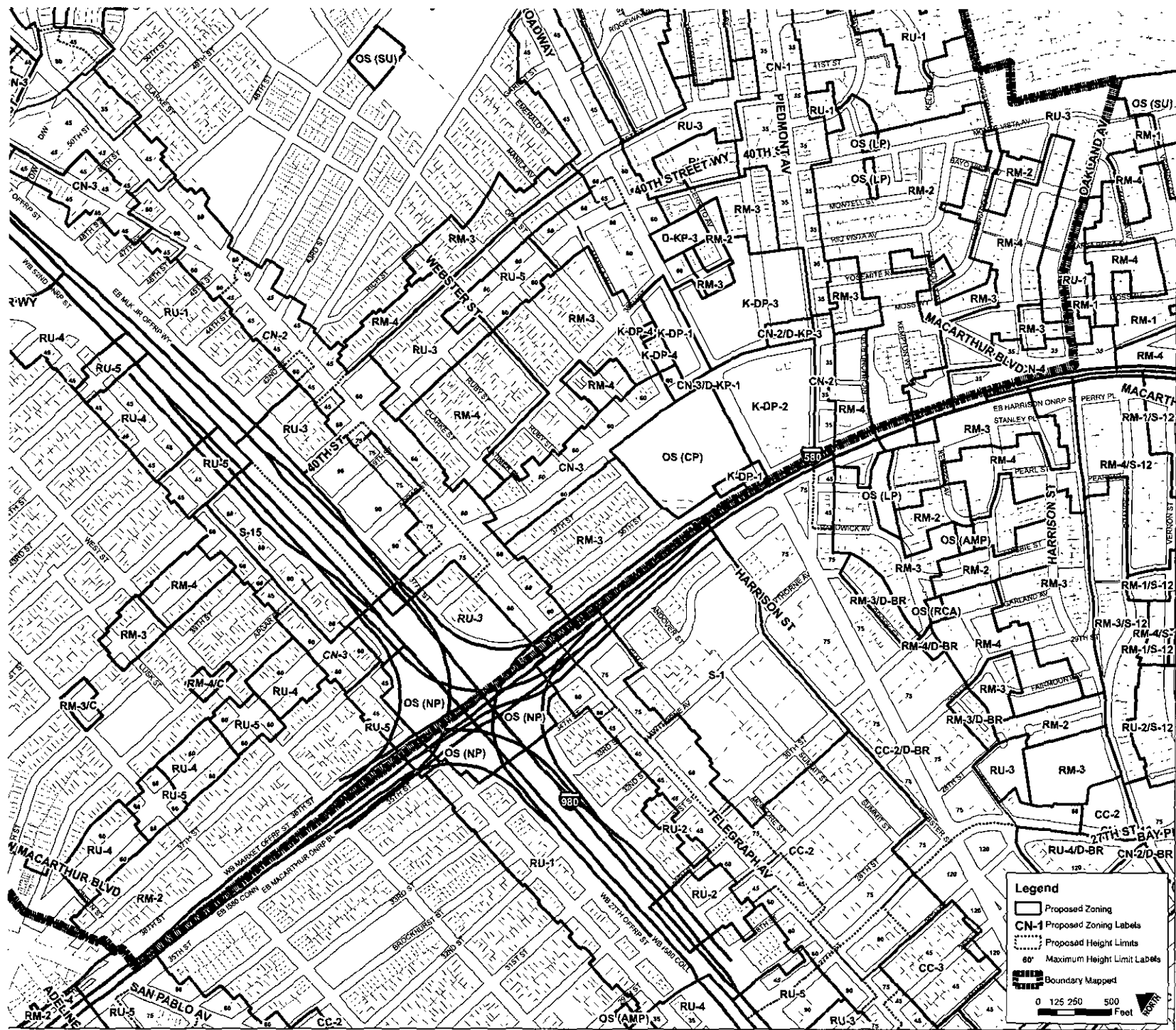
Exhibit B-13  
Area 1 - North Oakland



# PROPOSED ZONING AND HEIGHT LIMITS

Area 1 - North Oakland

Exhibit B-14  
Area 1 - North Oakland



**Legend**

- Proposed Zoning
- CN-1** Proposed Zoning Labels
- Proposed Height Limits
- 60' Maximum Height Limit Labels
- Boundary Mapped

0 125 250 500 Feet

N

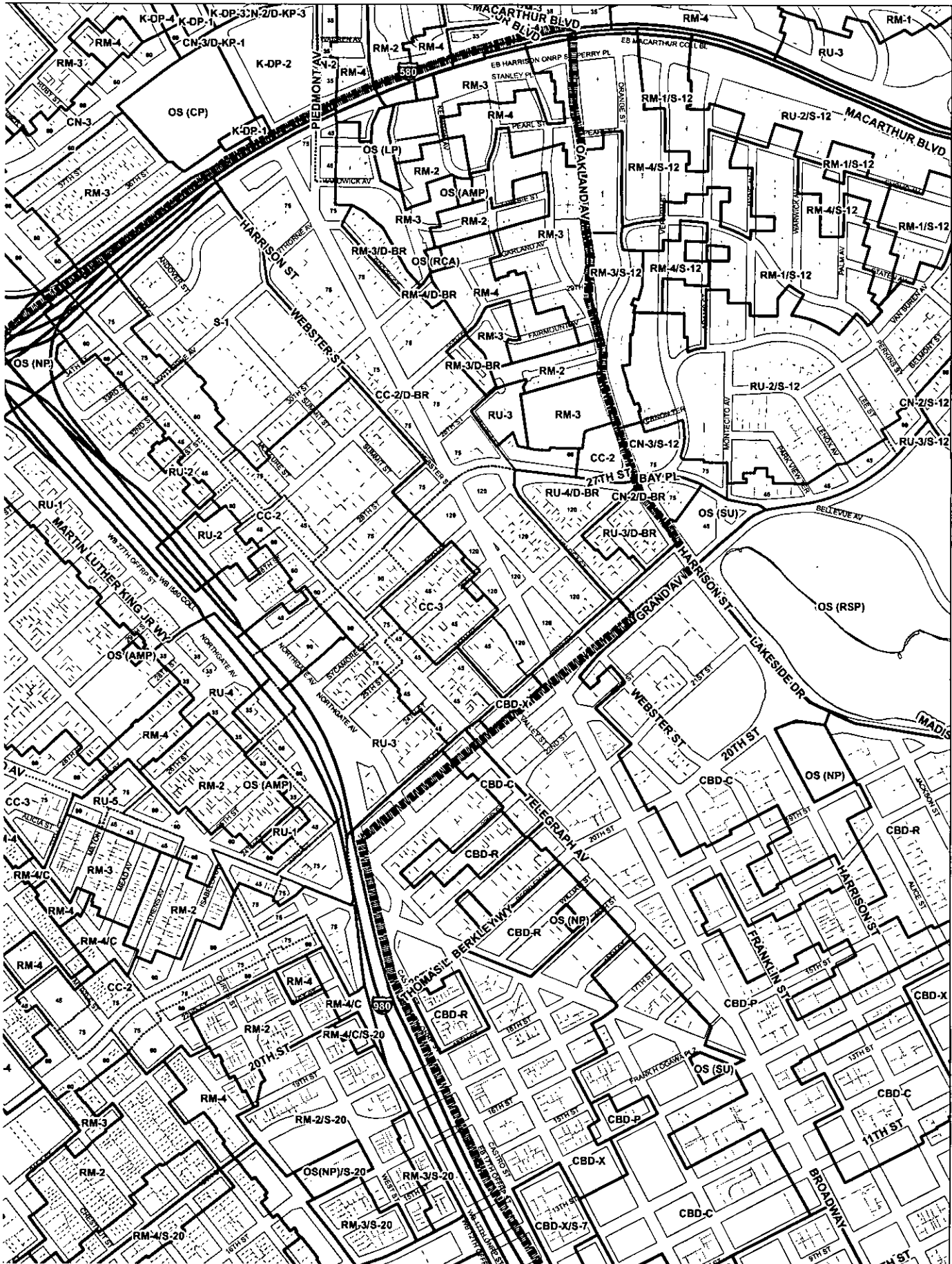
**CC 3/15/2011**

\*As the zoning update moves forward, please continue to check the proposals, since revisions may occur at each stage of the adoption process.

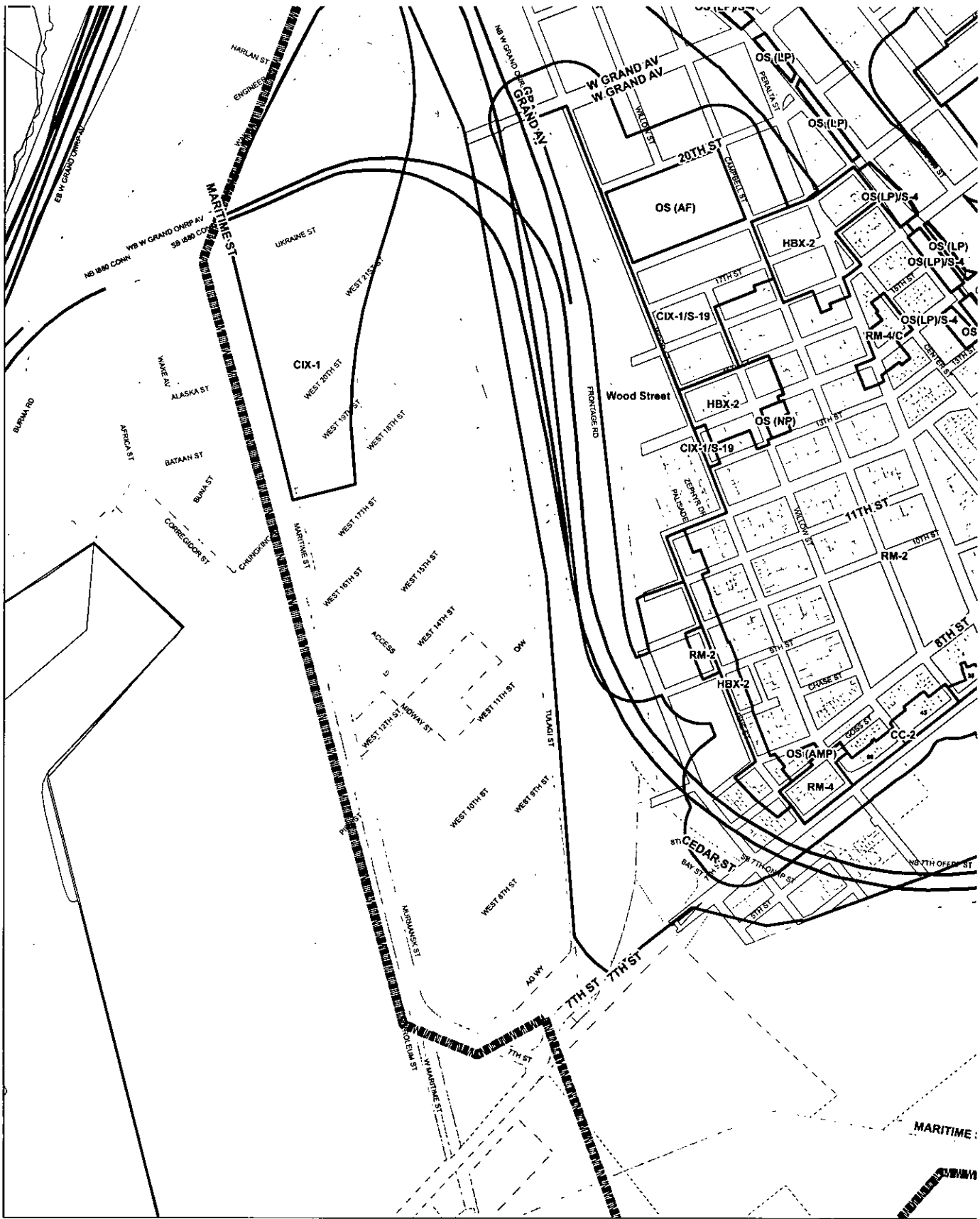
Exhibit B-15  
Area 1 - West Oakland



Exhibit B-16  
Area 1 - West Oakland





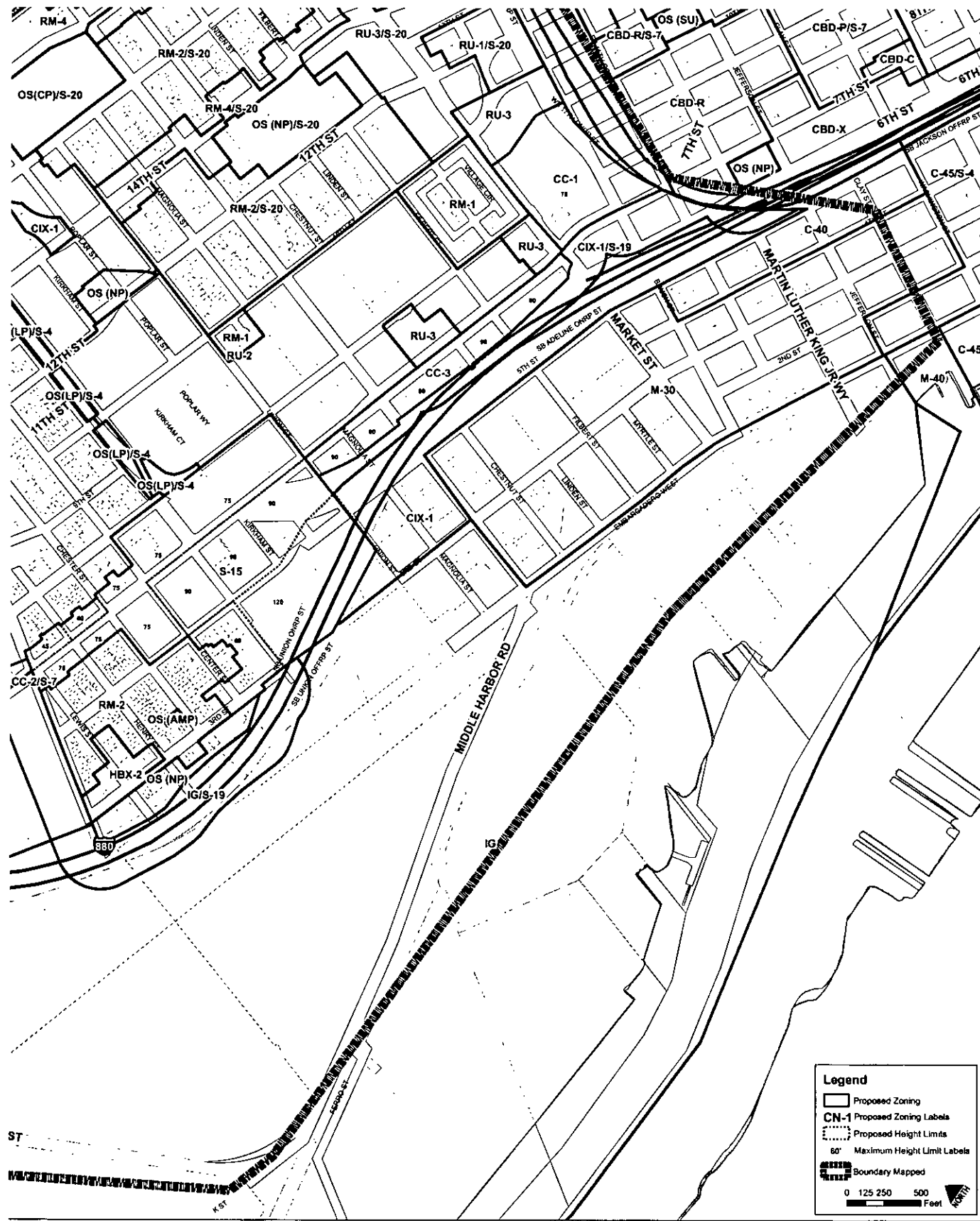


# PROPOSED ZONING AND HEIGHT LIMITS

Area 1 - West Oakland

Exhibit B-17

Area 1 - West Oakland

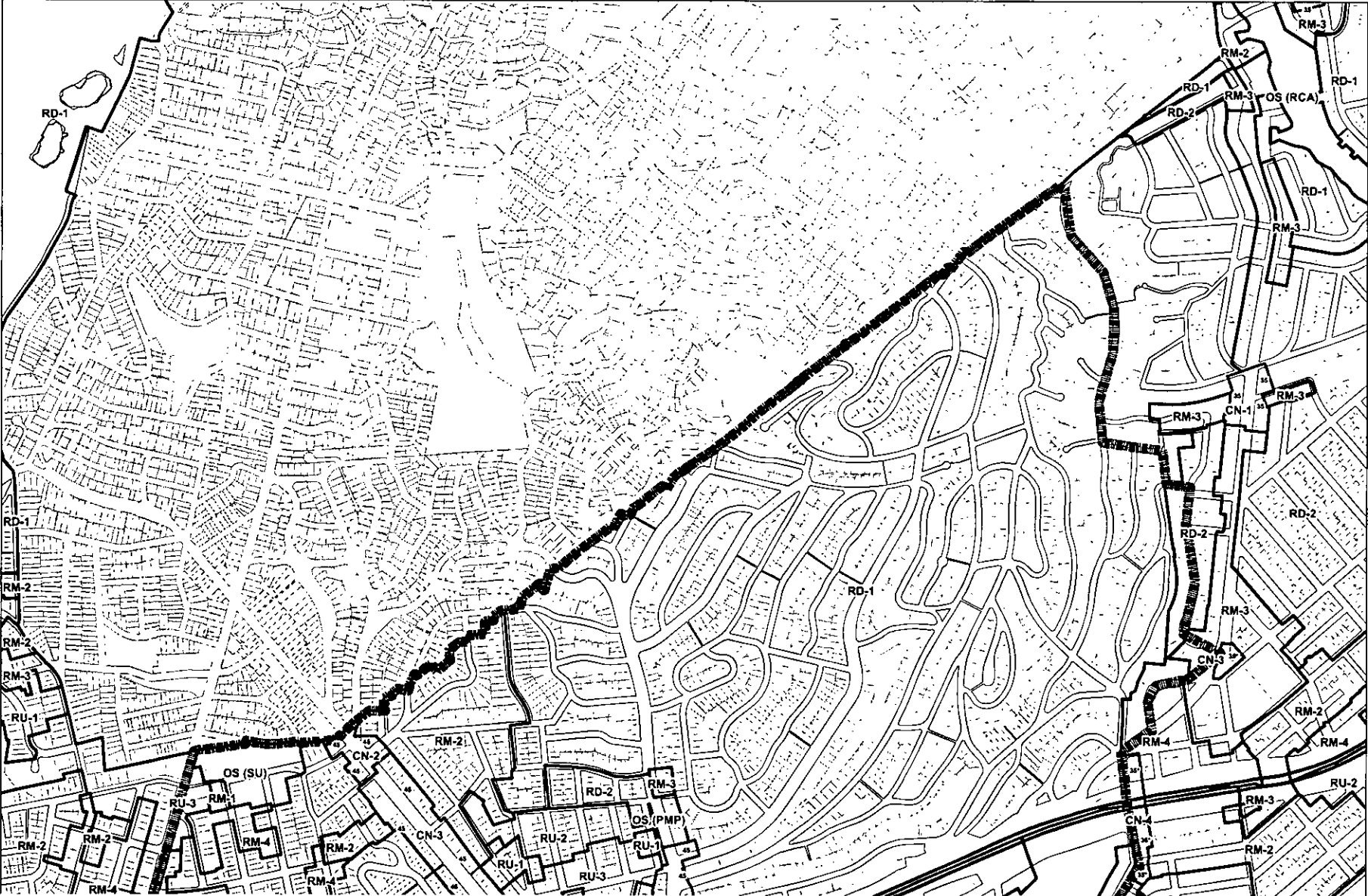


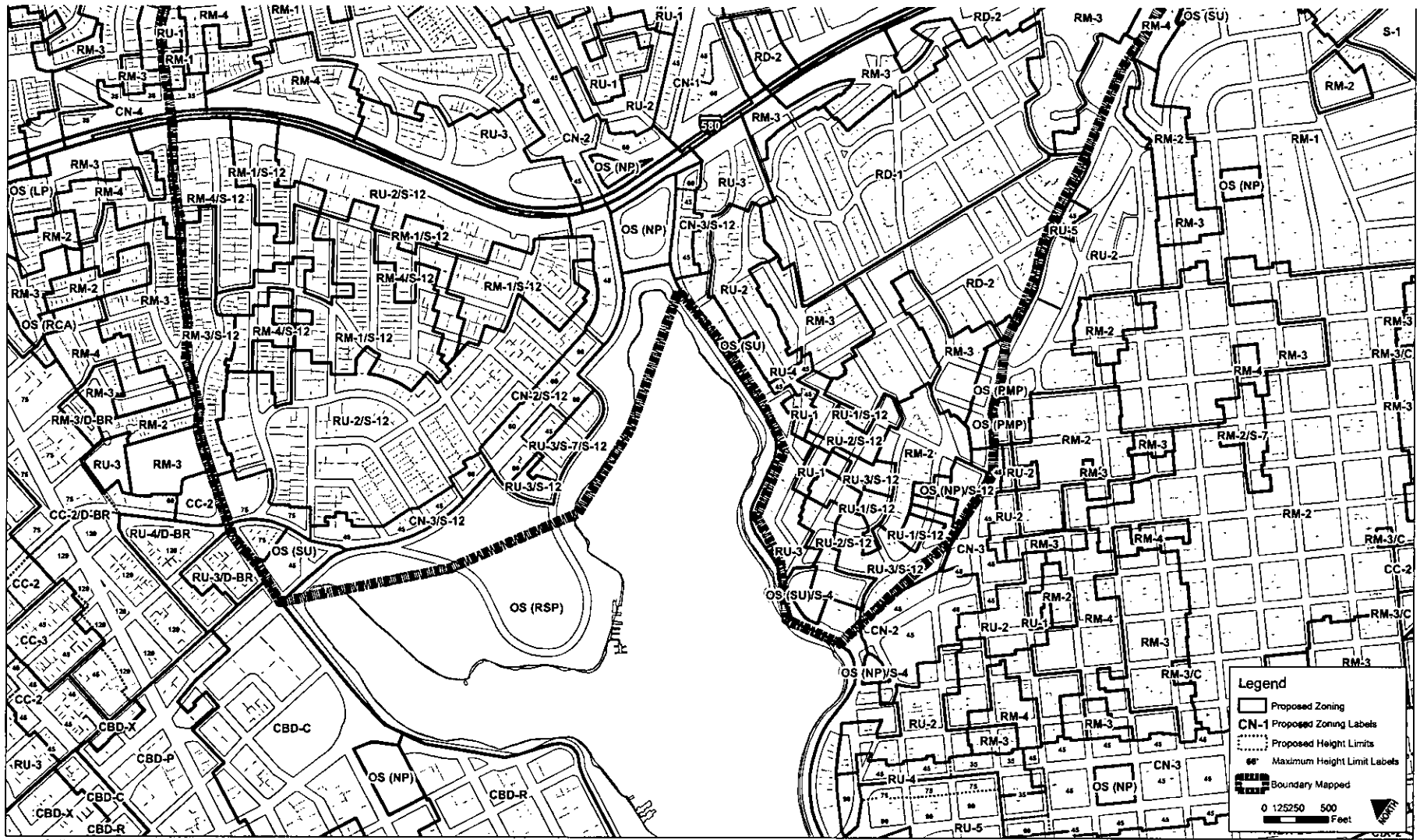
**CC 3/15/2011**

\*As the zoning update moves forward, please continue to check the proposals, since revisions may occur at each stage of the adoption process.

Exhibit B-18  
Area 1 - West Oakland

Exhibit B-19  
Area 2 - Adams Point/Grand Lake





# PROPOSED ZONING AND HEIGHT LIMITS

CC 3/15/2011

Area 2 - Adams Point/Grand Lake \*As the zoning update moves forward, please continue to check the proposals, since revisions may occur at each stage of the adoption process.

Exhibit B-20  
Area 2 - Adams Point/Grand Lake

Exhibit B-21  
Area 2 - Lower Hills

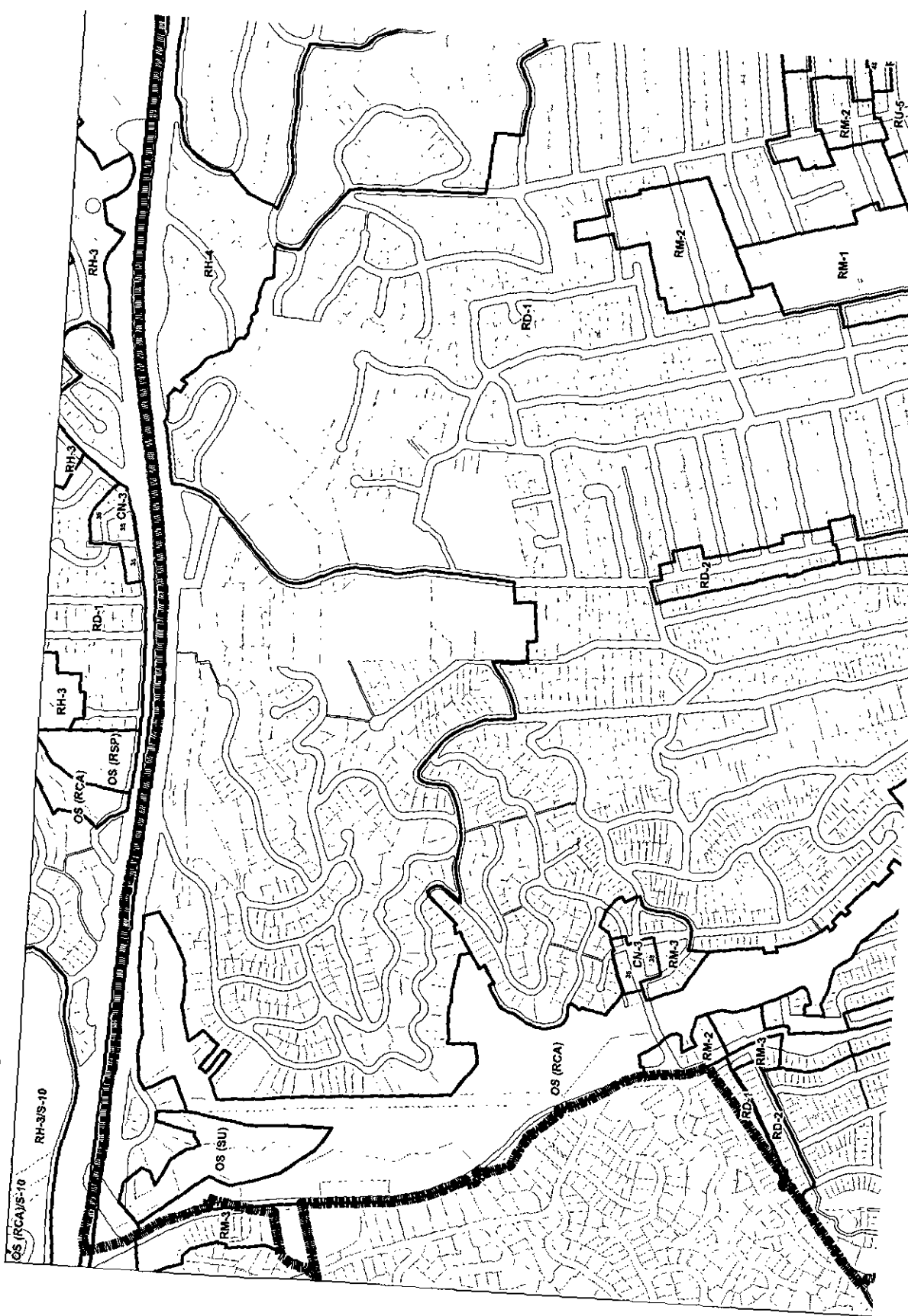
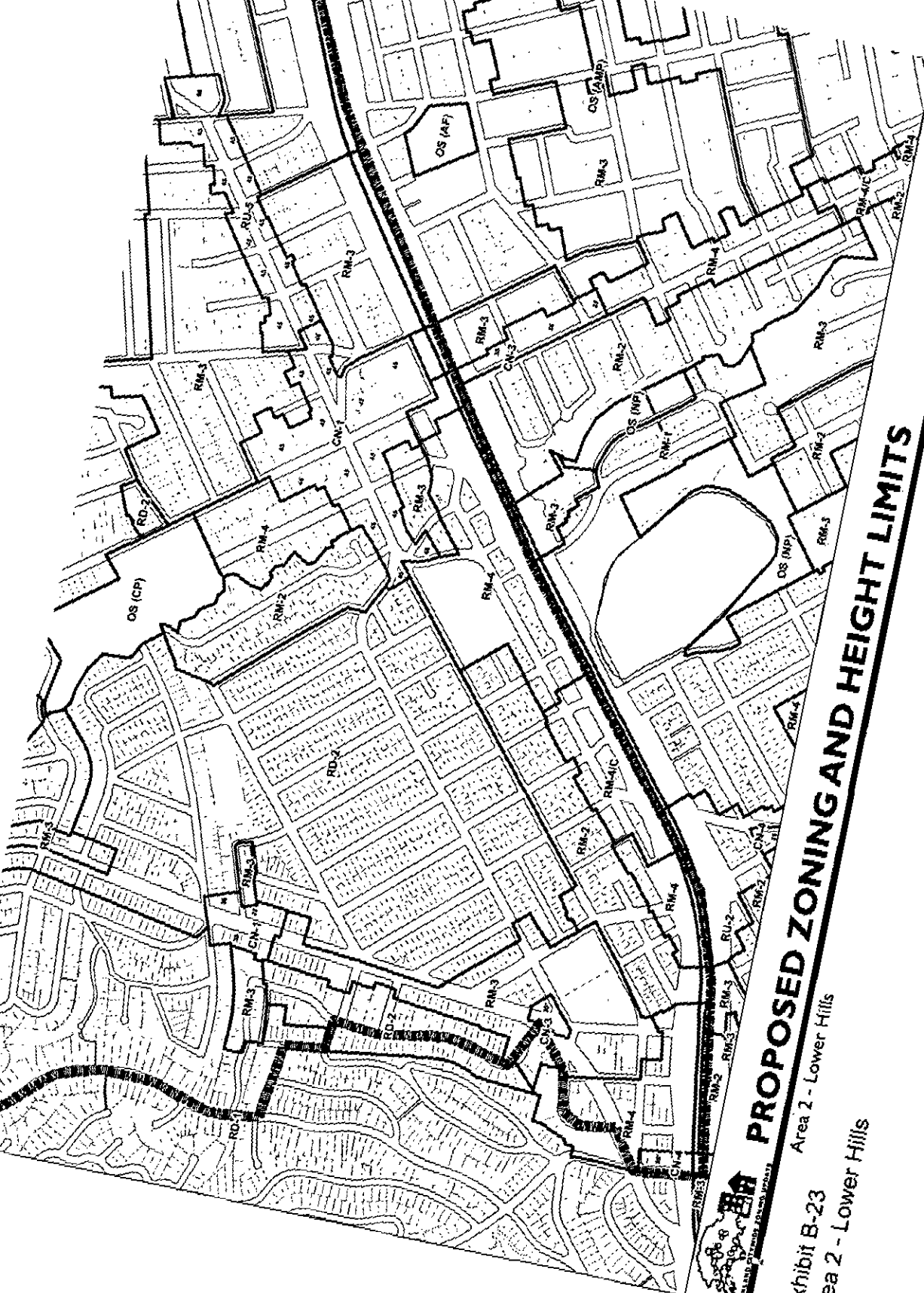


Exhibit B-22  
Area 2 - Lower Hills



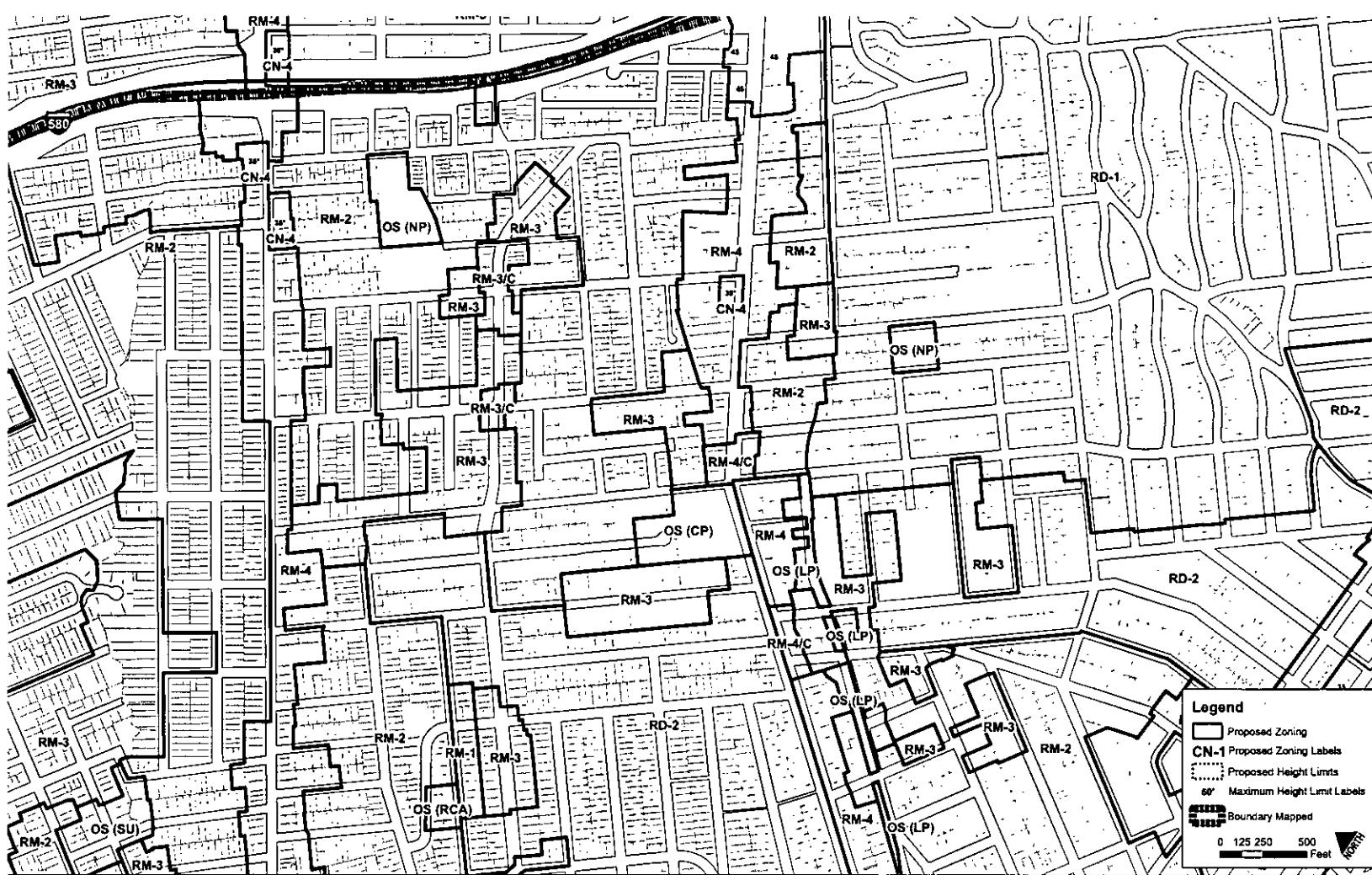


**PROPOSED ZONING AND HEIGHT LIMITS**

Area 2 - Lower Hills

Exhibit B-23

Area 2 - Lower Hills



**CC 3/15/2011**

\*As the zoning update moves forward, please continue to check the proposals, since revisions may occur at each stage of the adoption process.

Exhibit B-24  
Area 2 - Lower Hills



Exhibit B-25  
Area 2 - San Antonio

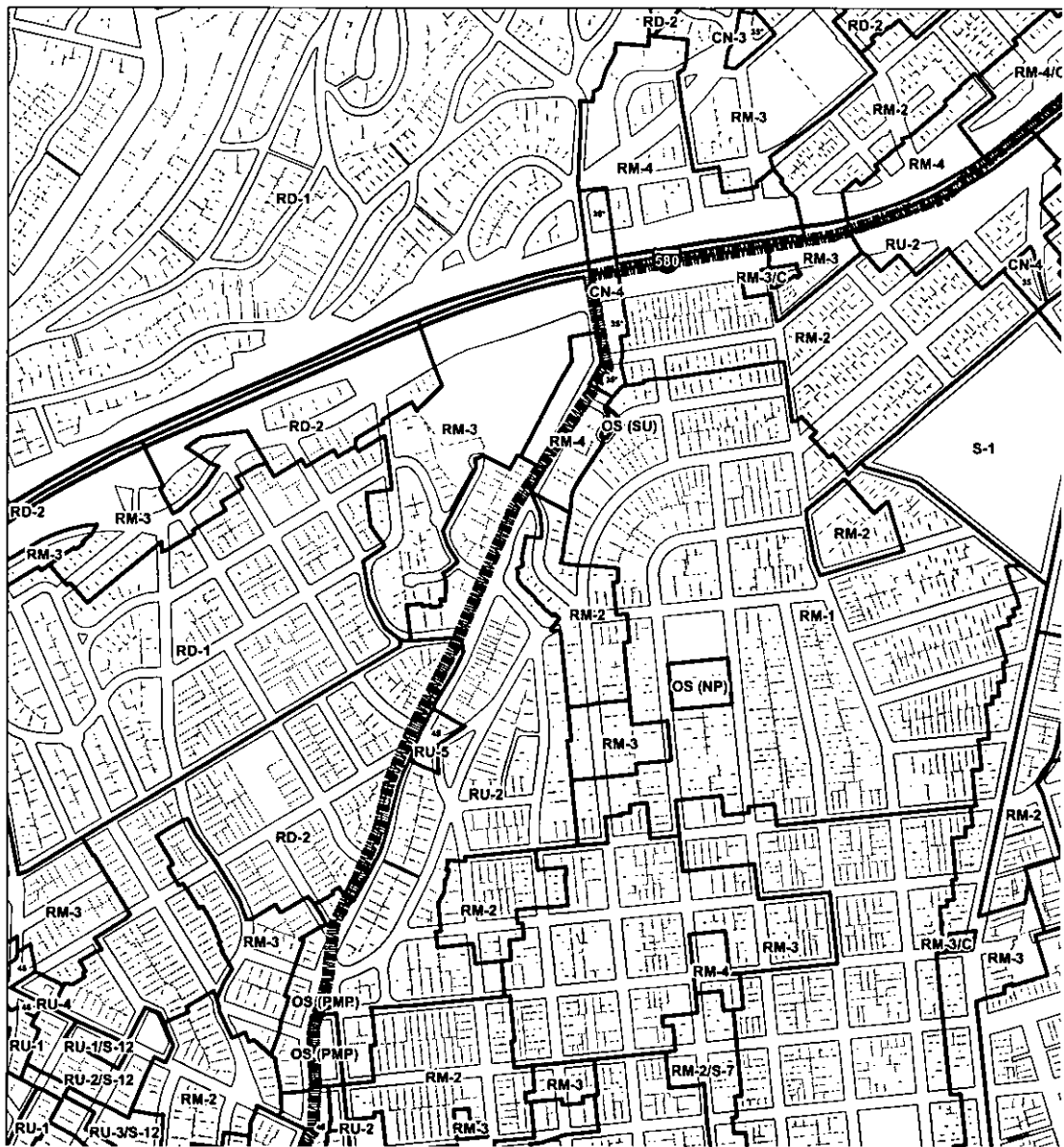
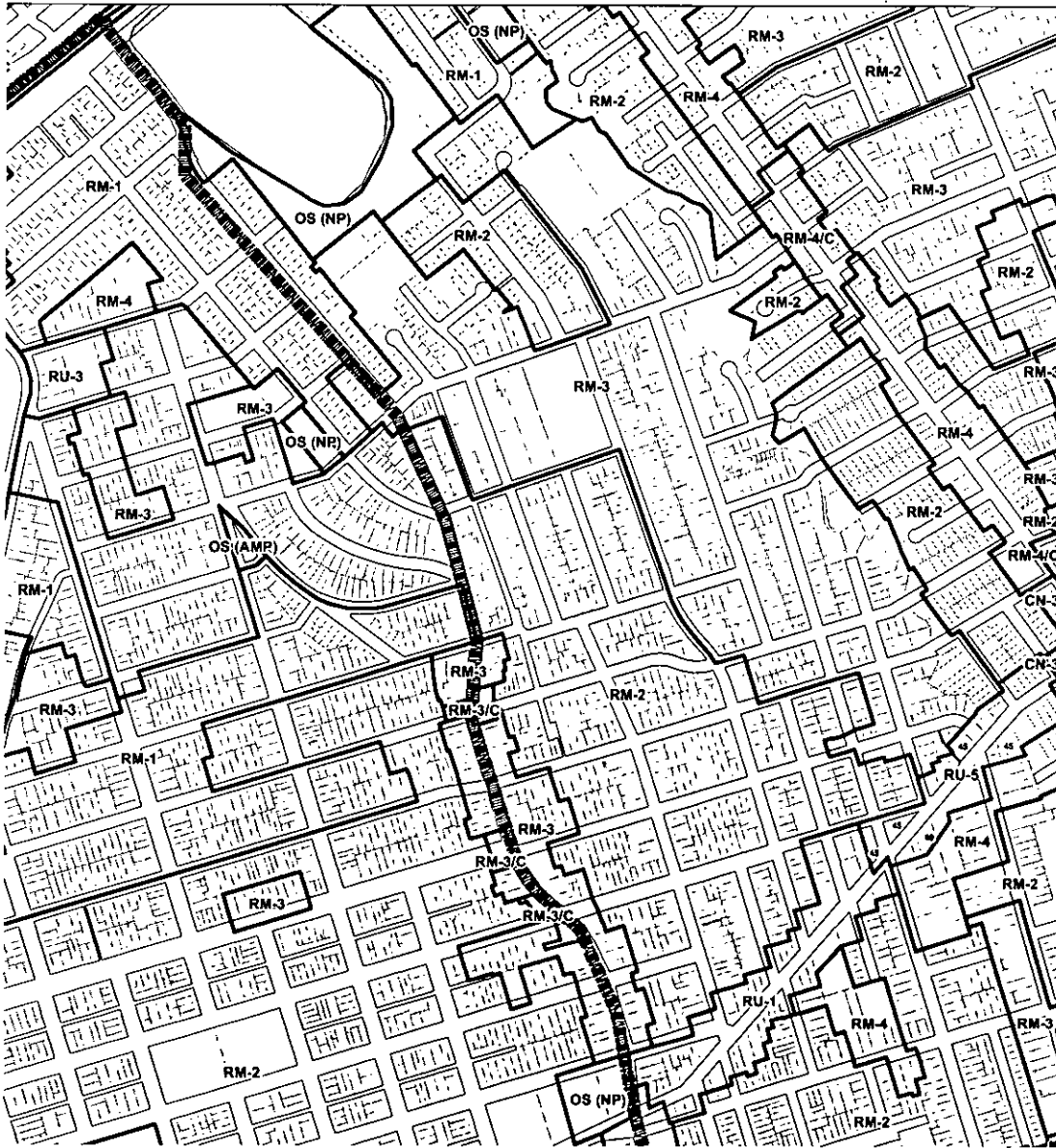
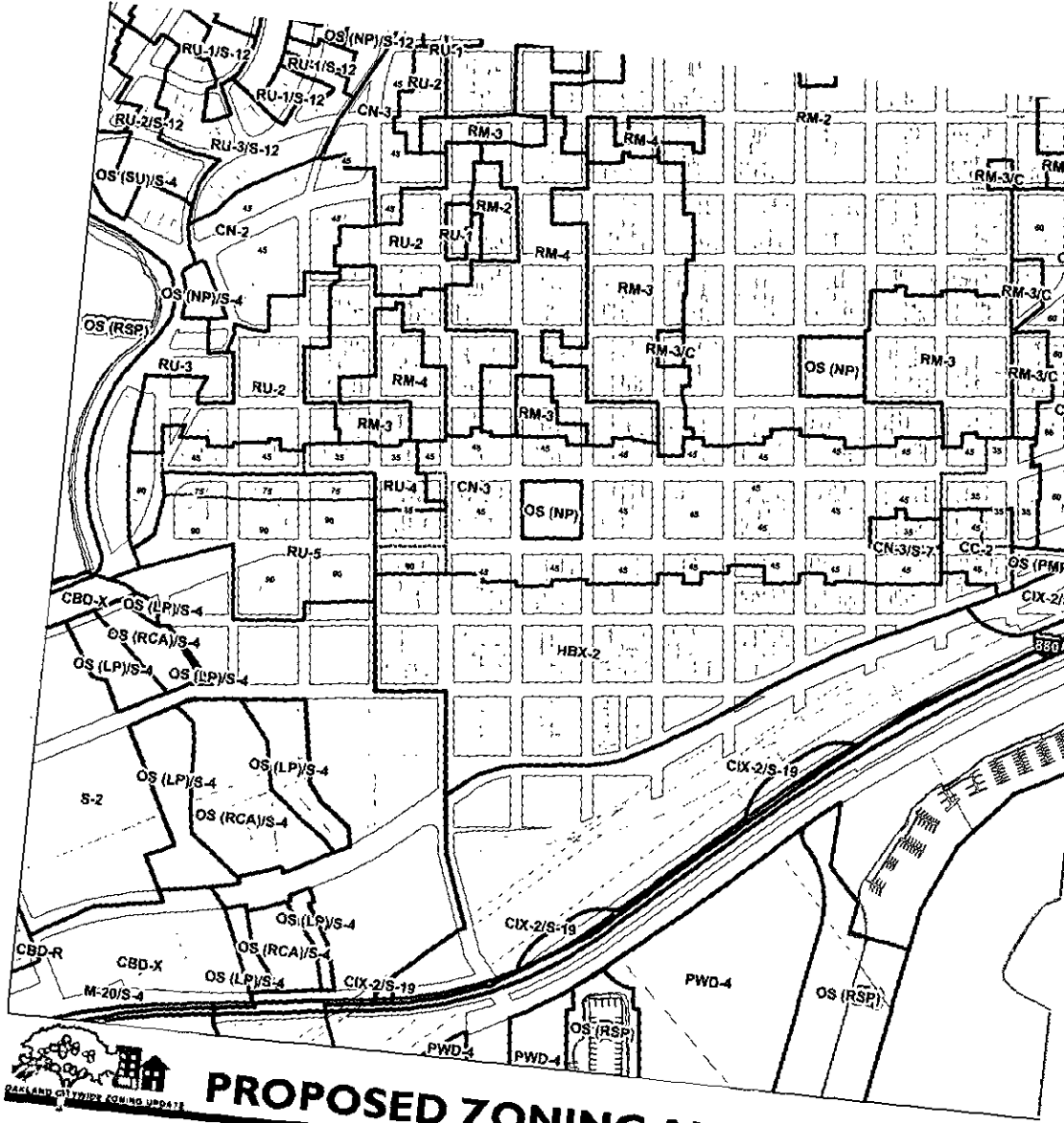


Exhibit B-26  
Area 2 - San Antonio



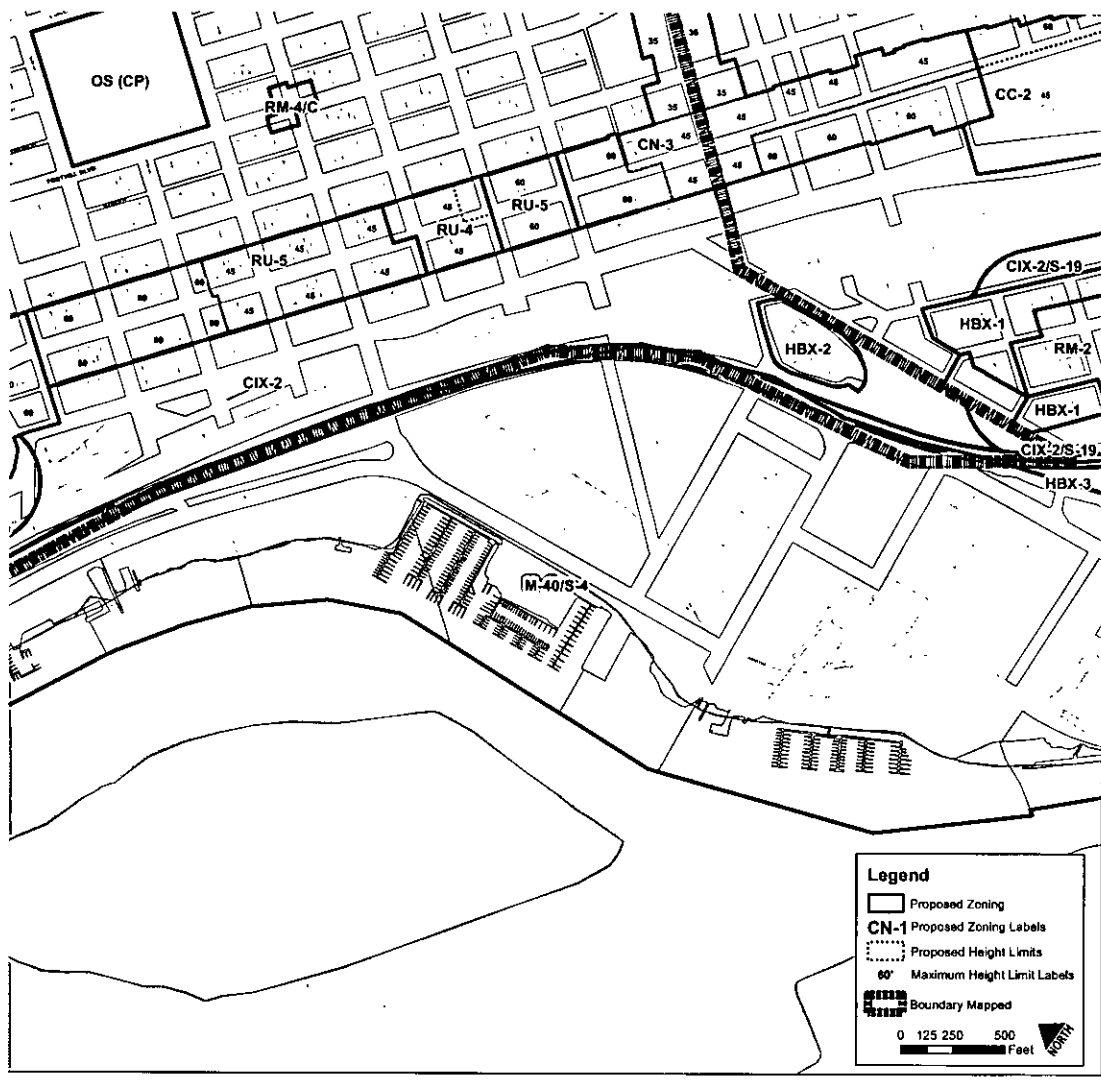


# PROPOSED ZONING AND HEIGHT LIM

Area 2 - San Antonio

Exhibit B-27  
Area 2 - San Antonio

\*As the zoning l



**ITS**

**CC 3/15/2011**

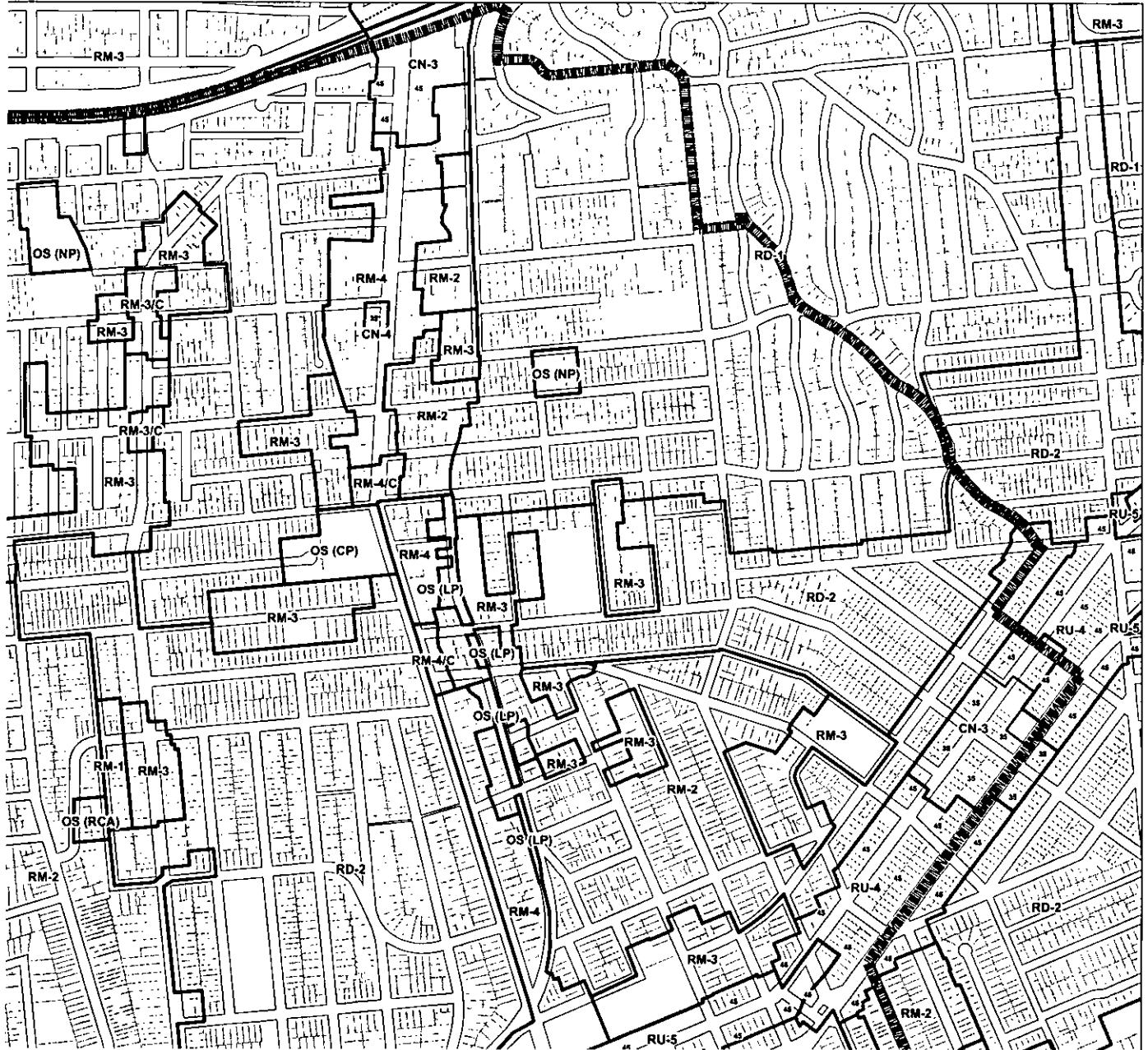
update moves forward, please continue to check the proposals, since revisions may occur at each stage of the adoption process.

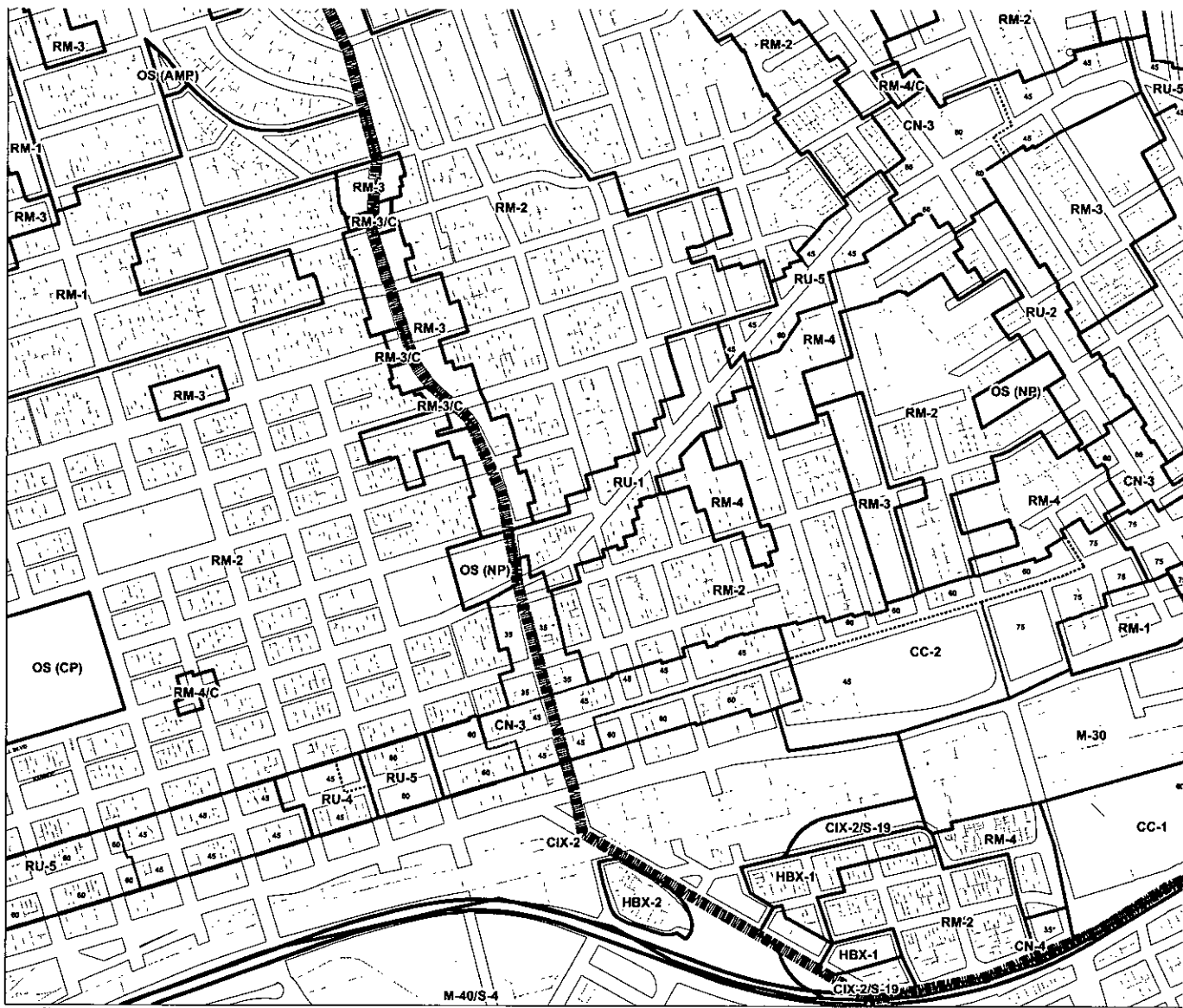
Exhibit B-28  
Area 2 - San Antonio

Exhibit B-29  
Area 2 - Fruitvale



Exhibit B-30  
Area 2 - Fruitvale



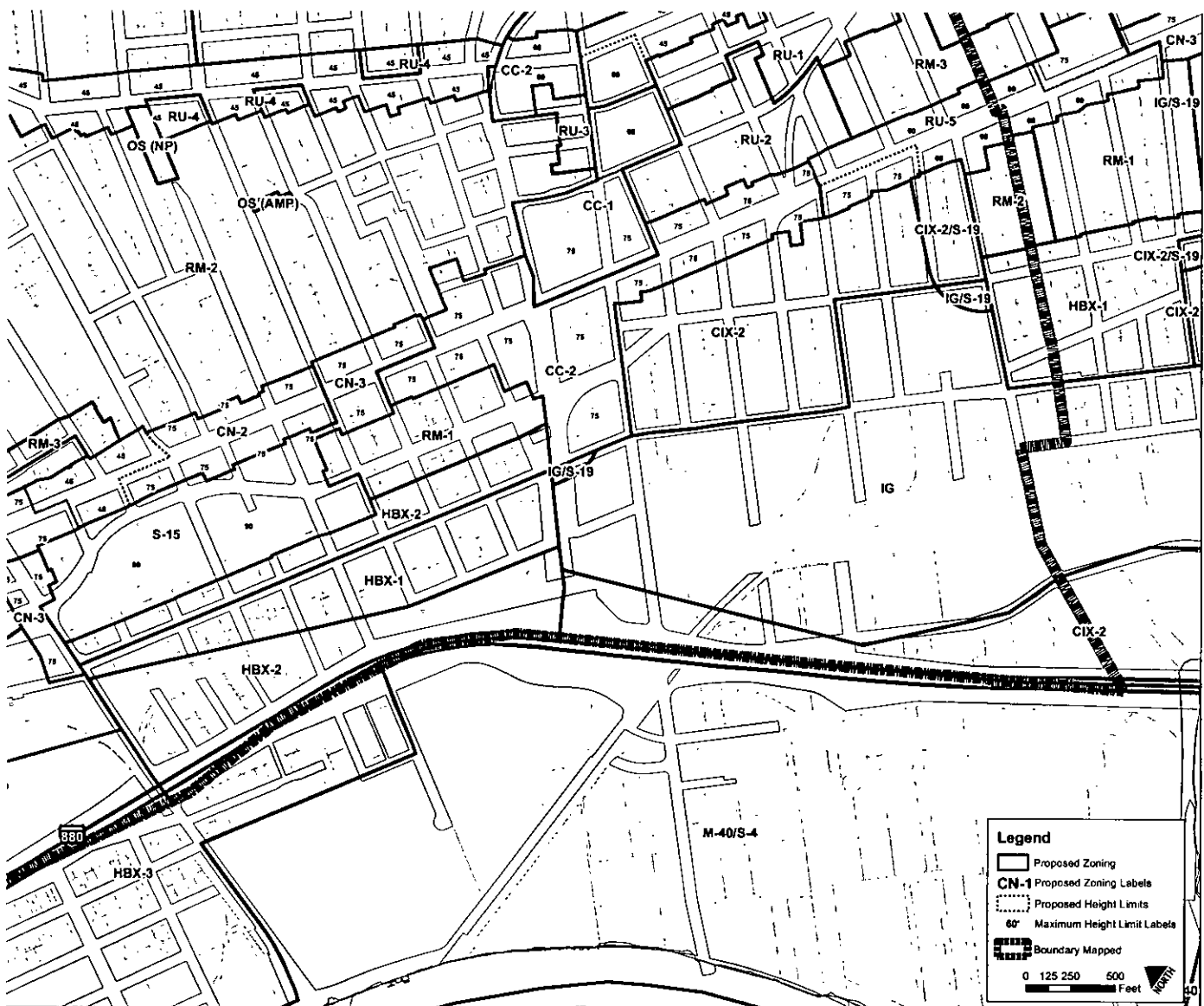


# PROPOSED ZONING AND HEIGHT LIMITS

Area 2 - Fruitvale

Exhibit B-31

Area 2 - Fruitvale



**Legend**

- Proposed Zoning
- CN-1** Proposed Zoning Labels
- Proposed Height Limits
- 60'** Maximum Height Limit Labels
- Boundary Mapped

0 125 250 500 Feet

NORTH

**CC 3/15/2011**

\*As the zoning update moves forward, please continue to check the proposals, since revisions may occur at each stage of the adoption process.

Exhibit B-32  
Area 2 - Fruitvale



Exhibit B-33  
Area 3 - South Hills

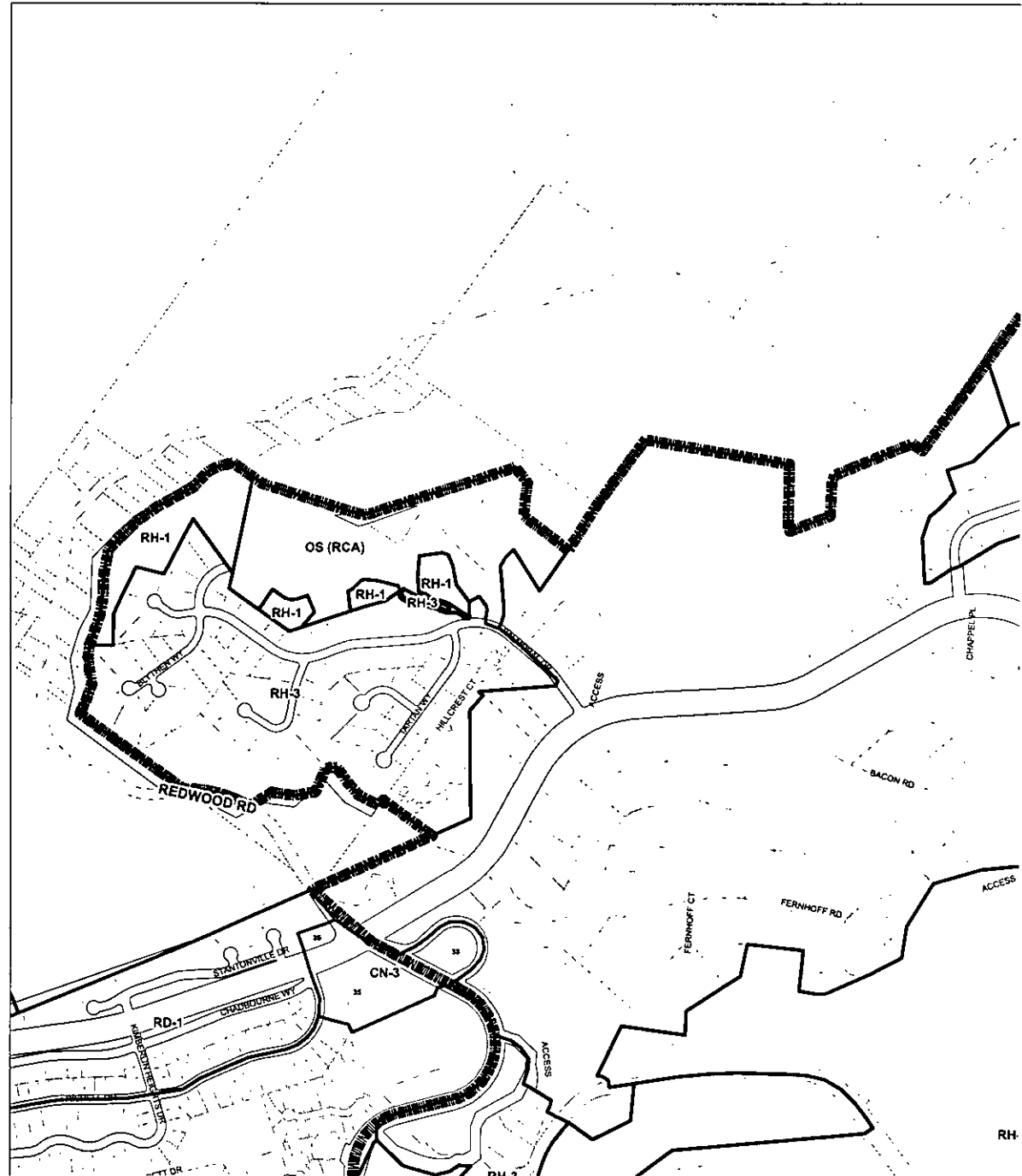


Exhibit B-34  
Area 3 - South Hills

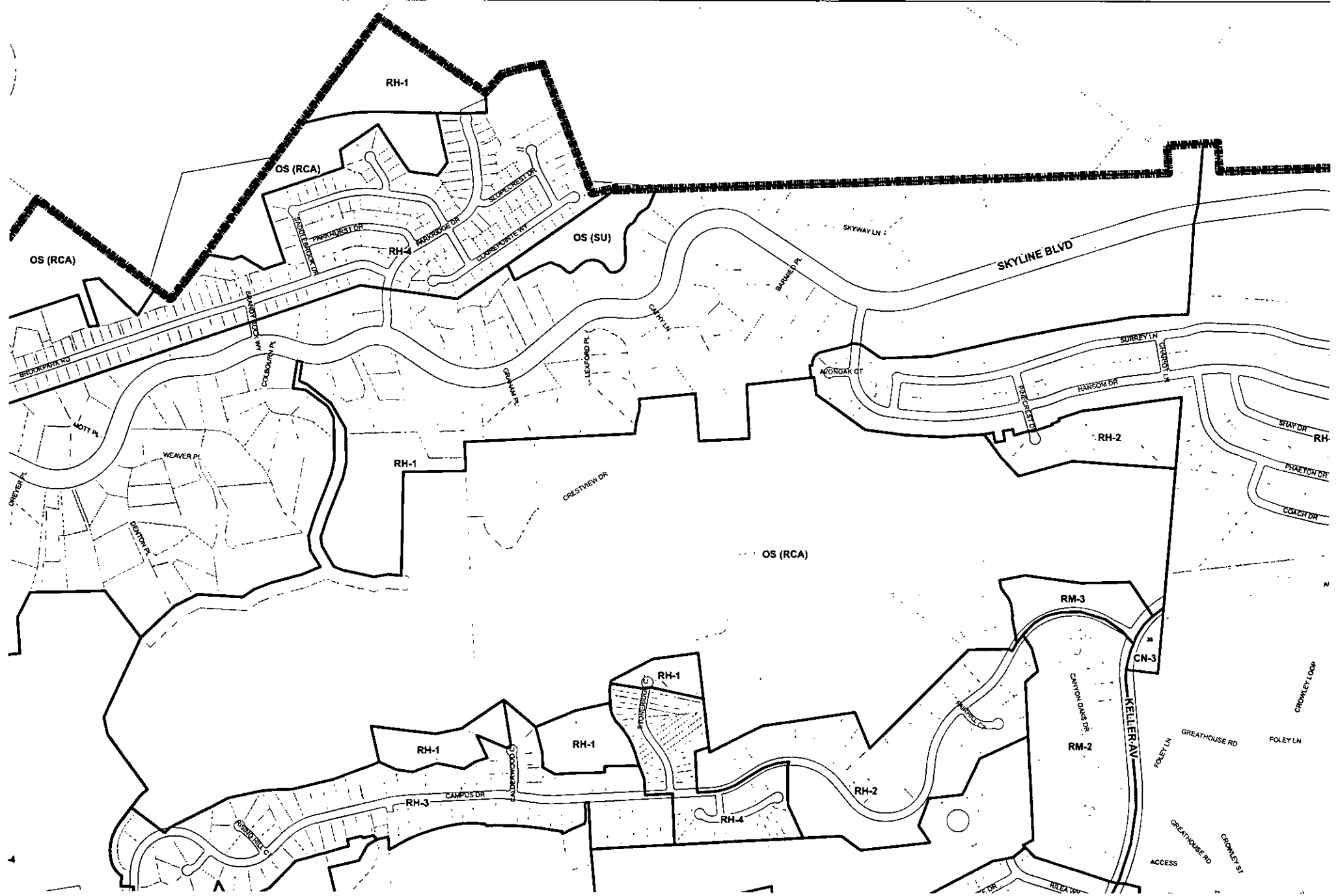


Exhibit B-35  
Area 3 - South Hills

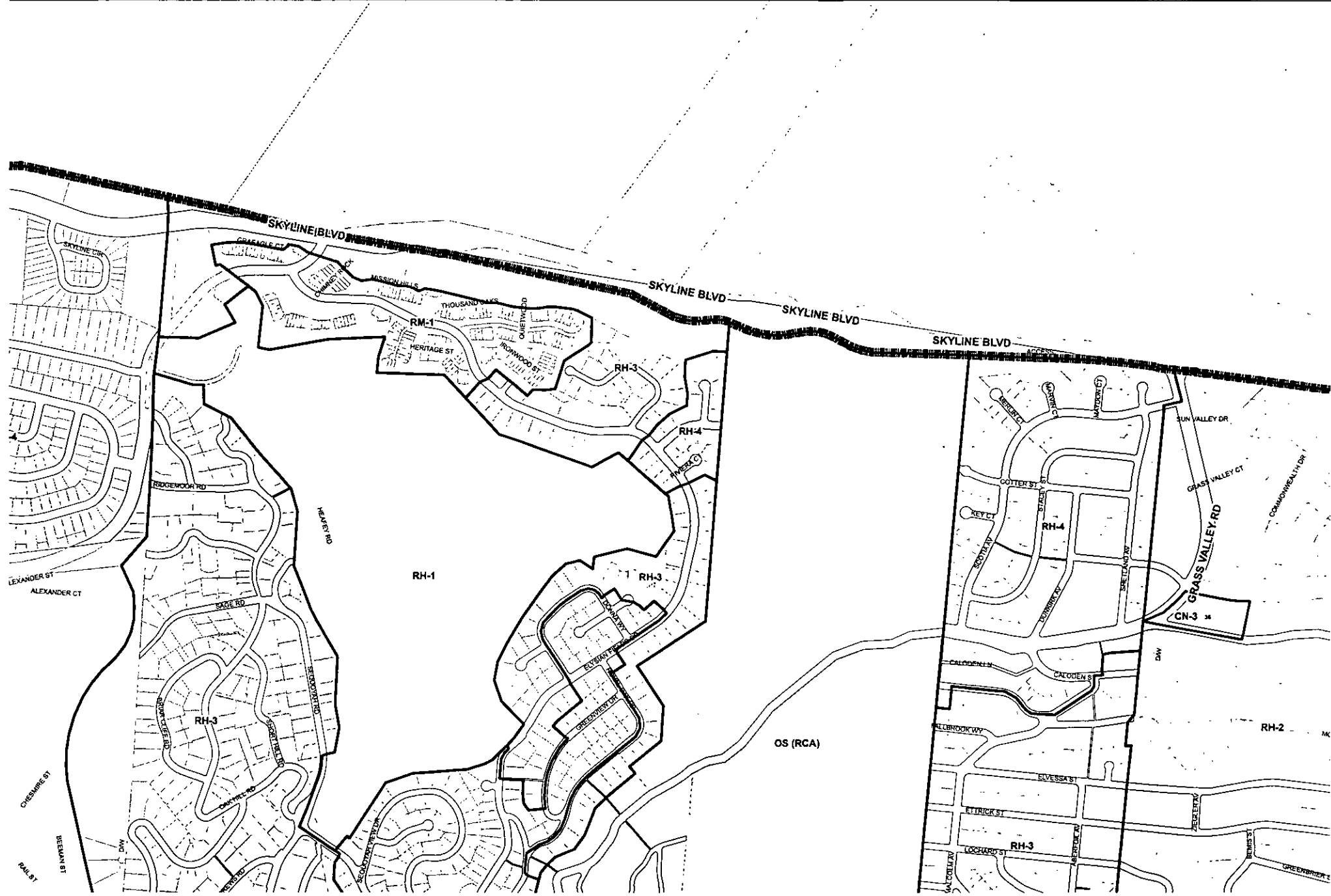
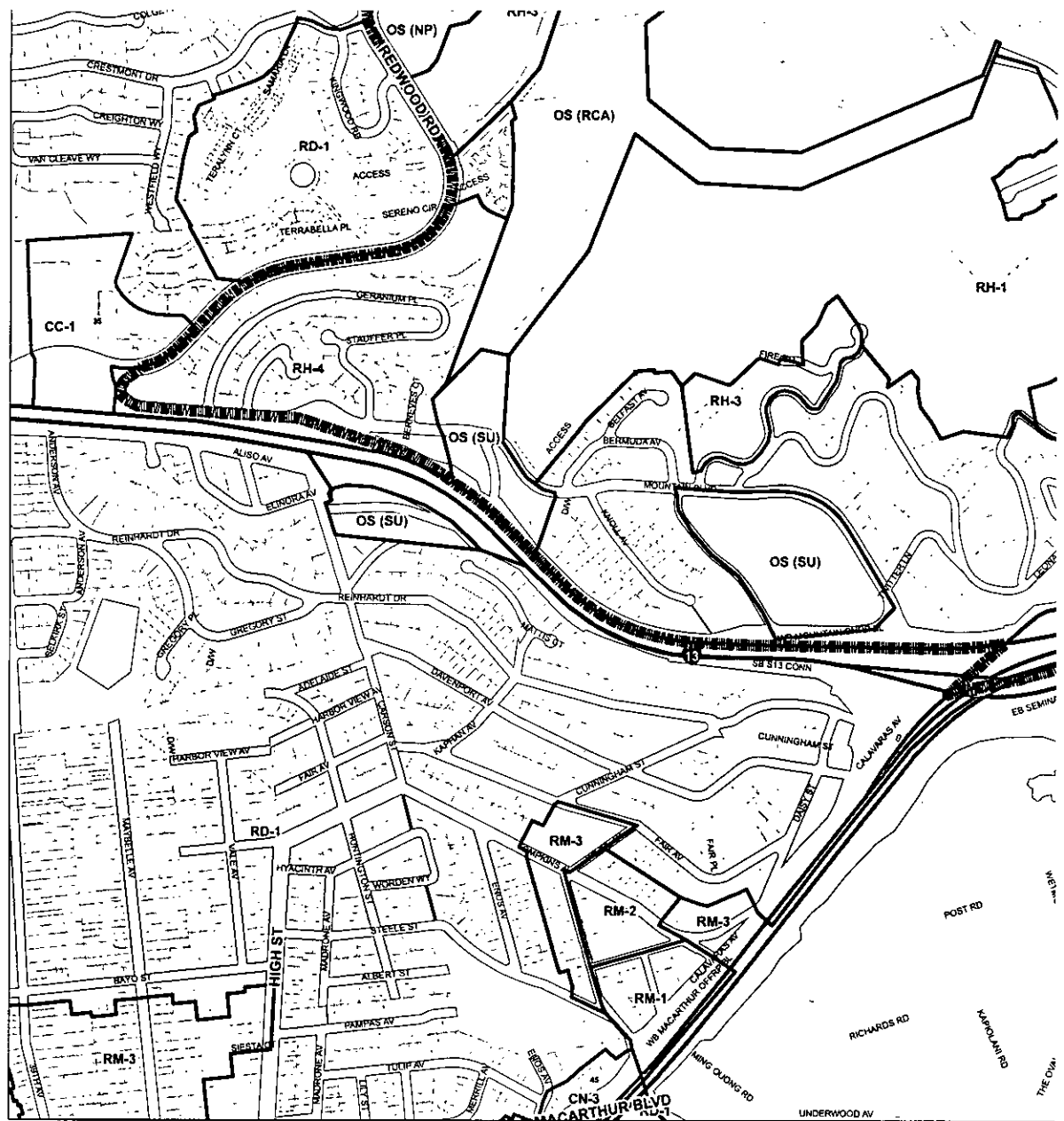


Exhibit B-36  
Area 3 - South Hills





# PROPOSED ZONING AND HEIGHT LIMITS

Area 3 - South Hills

Exhibit B-37  
Area 3 - South Hills

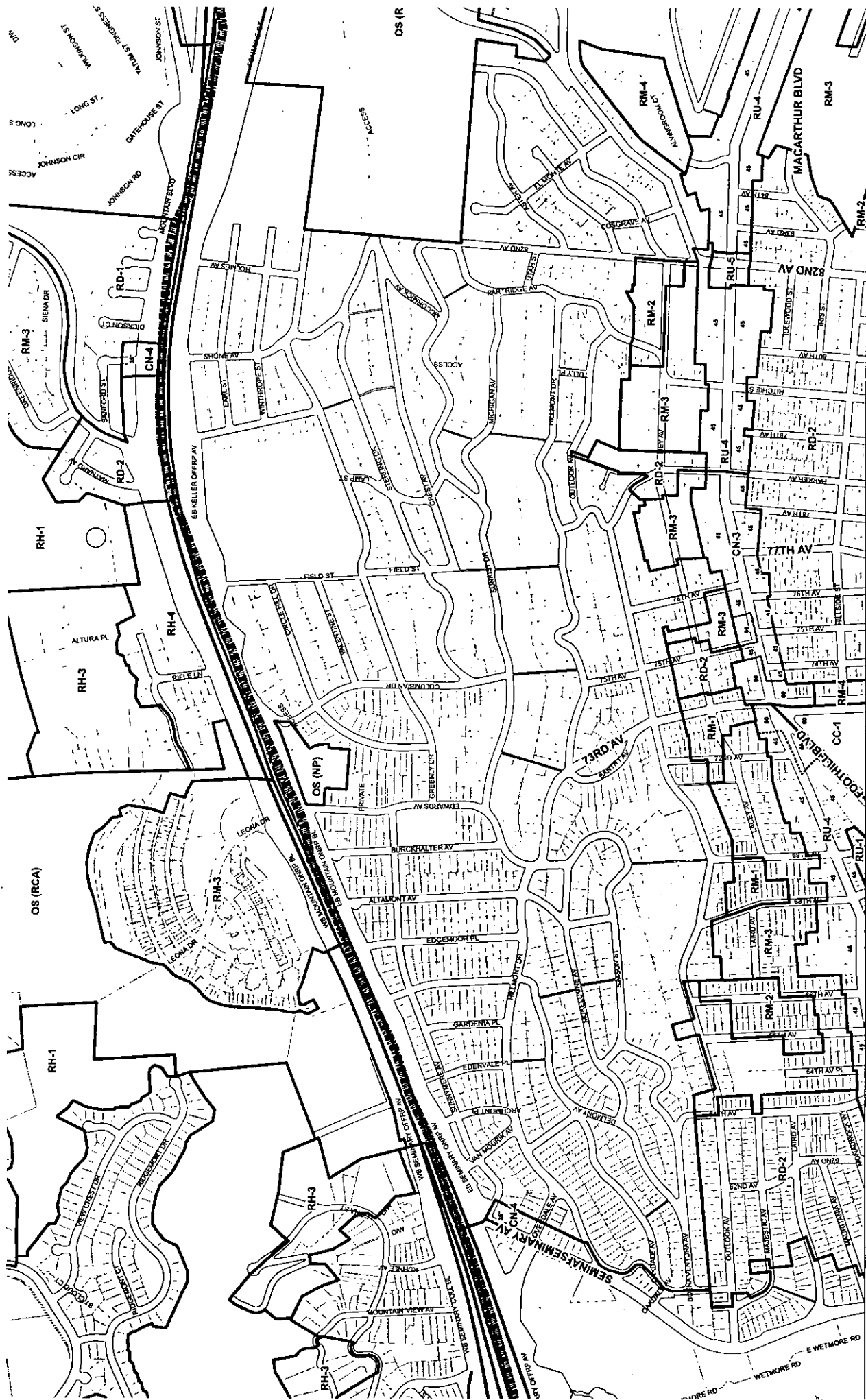
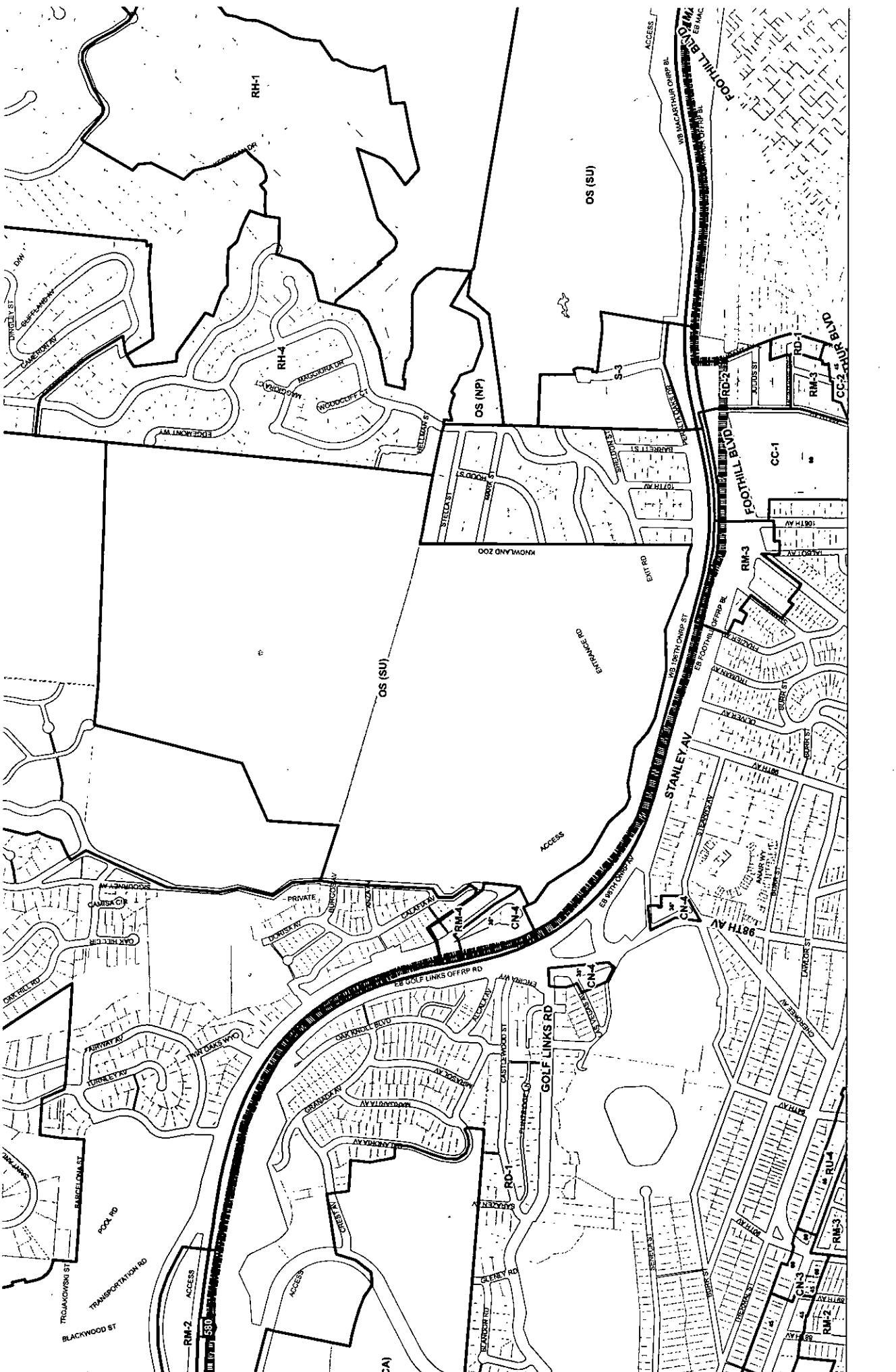
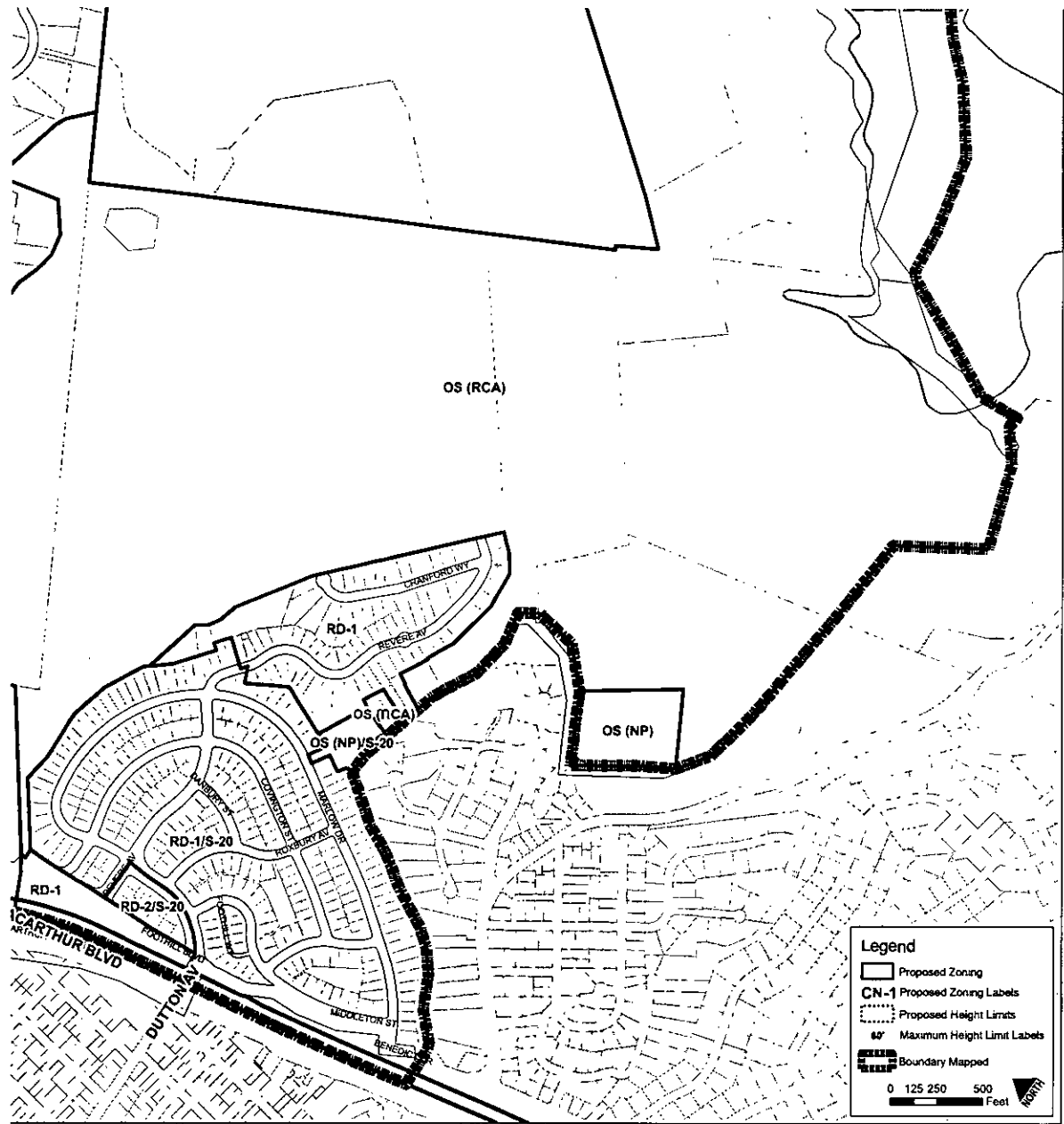


Exhibit B-38  
Area 3 - South Hills



\*As of

Exhibit B-39  
Area 3 - South Hills



## CC 3/15/2011

As the zoning update moves forward, please continue to check the proposals, since revisions may occur at each stage of the adoption process.

Exhibit B-40  
Area 3 - South Hills



Exhibit B-41  
Area 3 -  
Seminary/  
Melrose/  
Coliseum

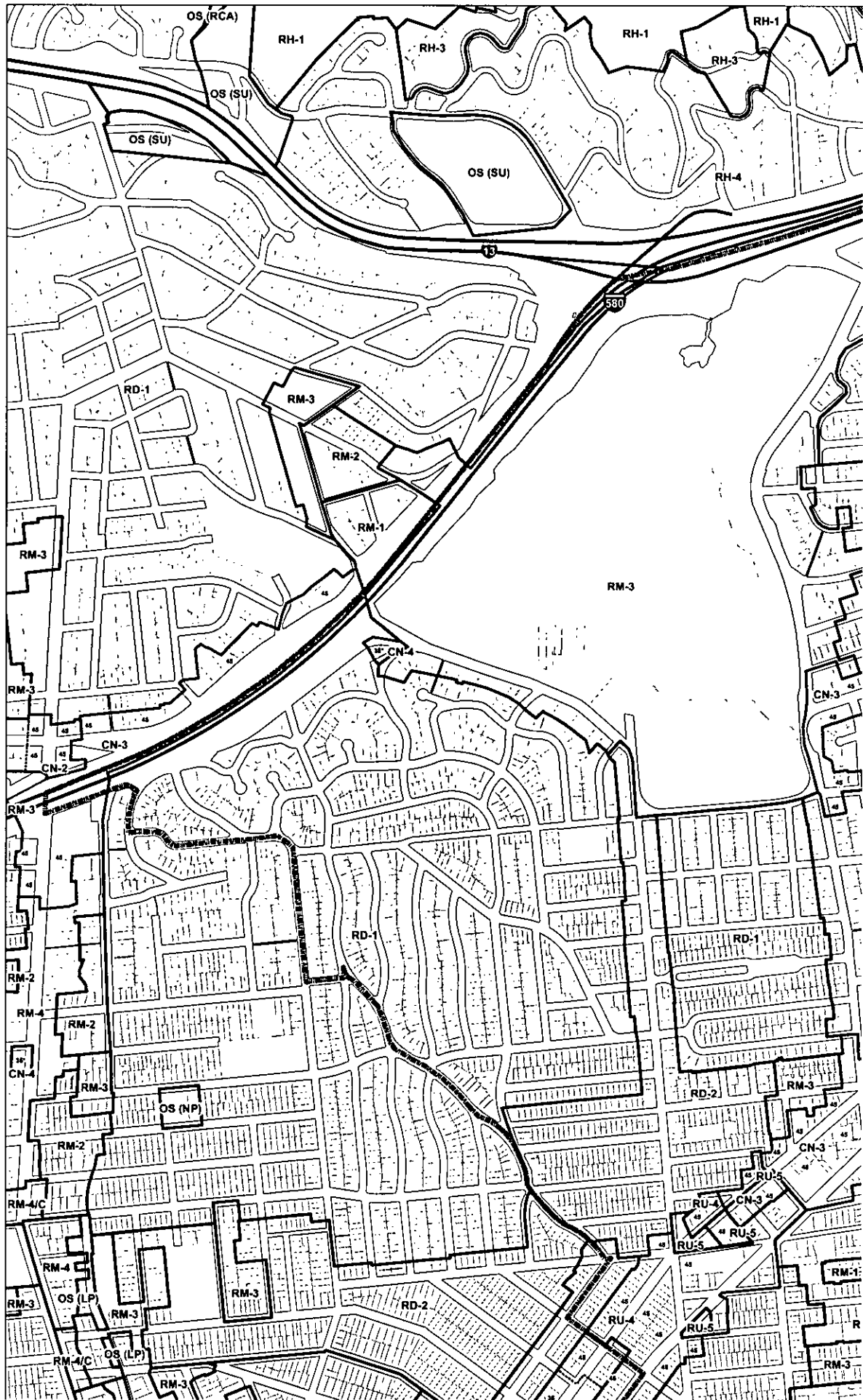


Exhibit B-42  
Area 3 -  
Seminary/  
Melrose/  
Coliseum

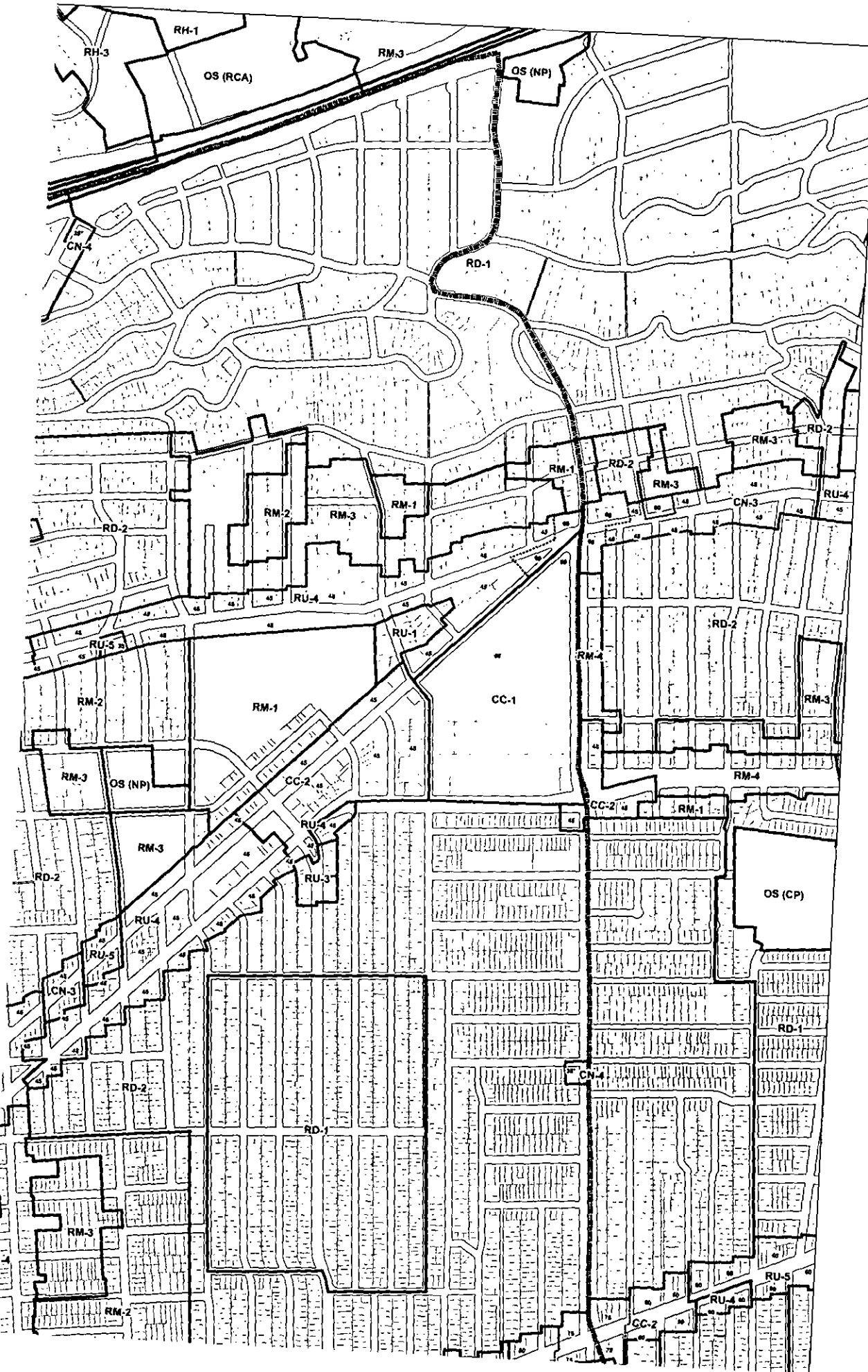


Exhibit B-43  
Area 3 -  
Seminary/  
Melrose/  
Coliseum

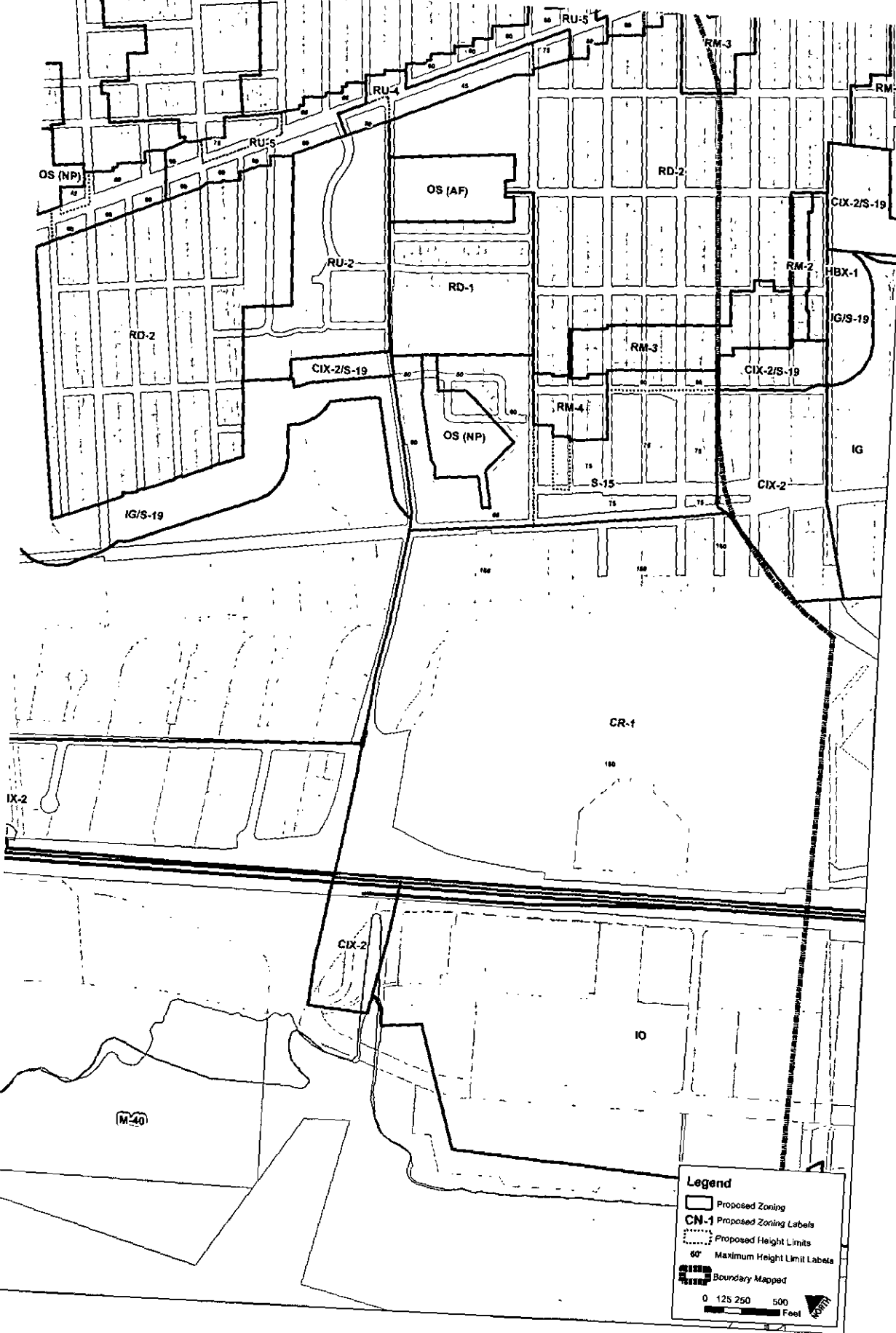


# PROPOSED ZONING AND HEIGHT LIMITS

Area 3 - Seminary/Melrose/Coliseum

\*As th

Exhibit B-44  
 Area 3 -  
 Seminary/  
 Melrose/  
 Coliseum



**CC 3/15/2011**

zoning update moves forward, please continue to check the proposals, since revisions may occur at each stage of the adoption process.

Exhibit B-45  
Area 3 - Elmhurst



Exhibit B-46  
Area 3 - Elmhurst

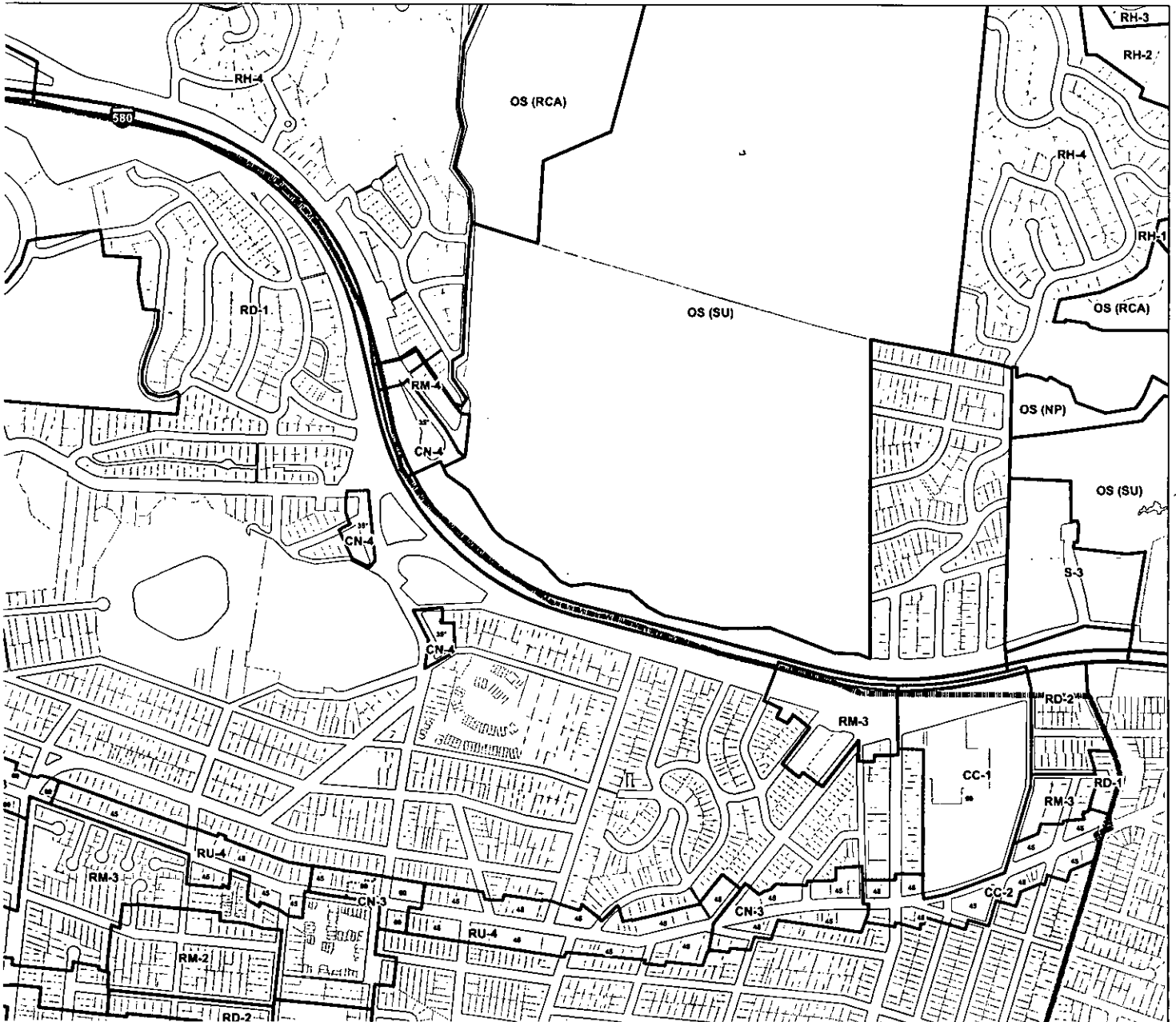
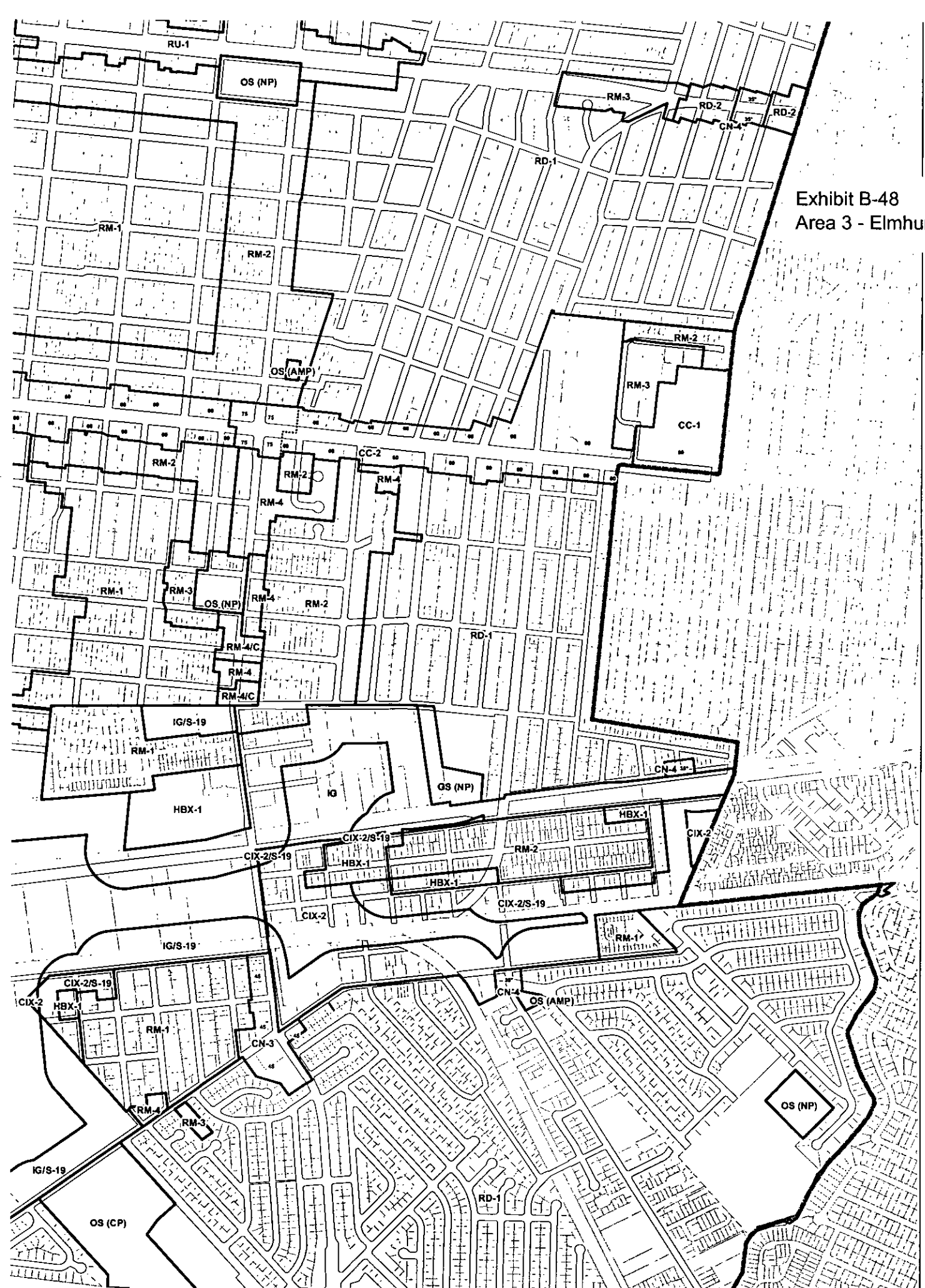


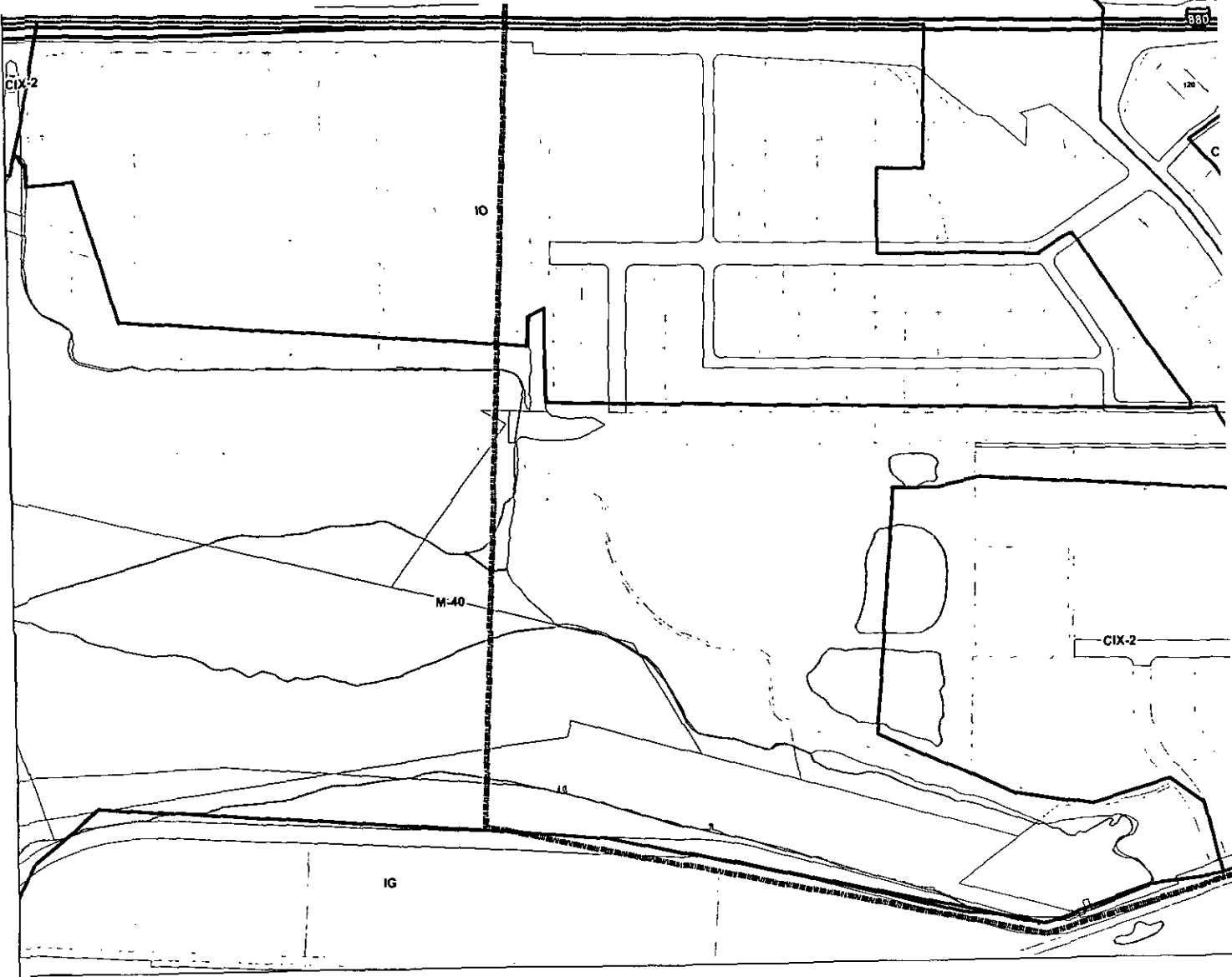
Exhibit B-47  
Area 3 - Elmhurst



Exhibit B-48  
Area 3 - Elmhurst



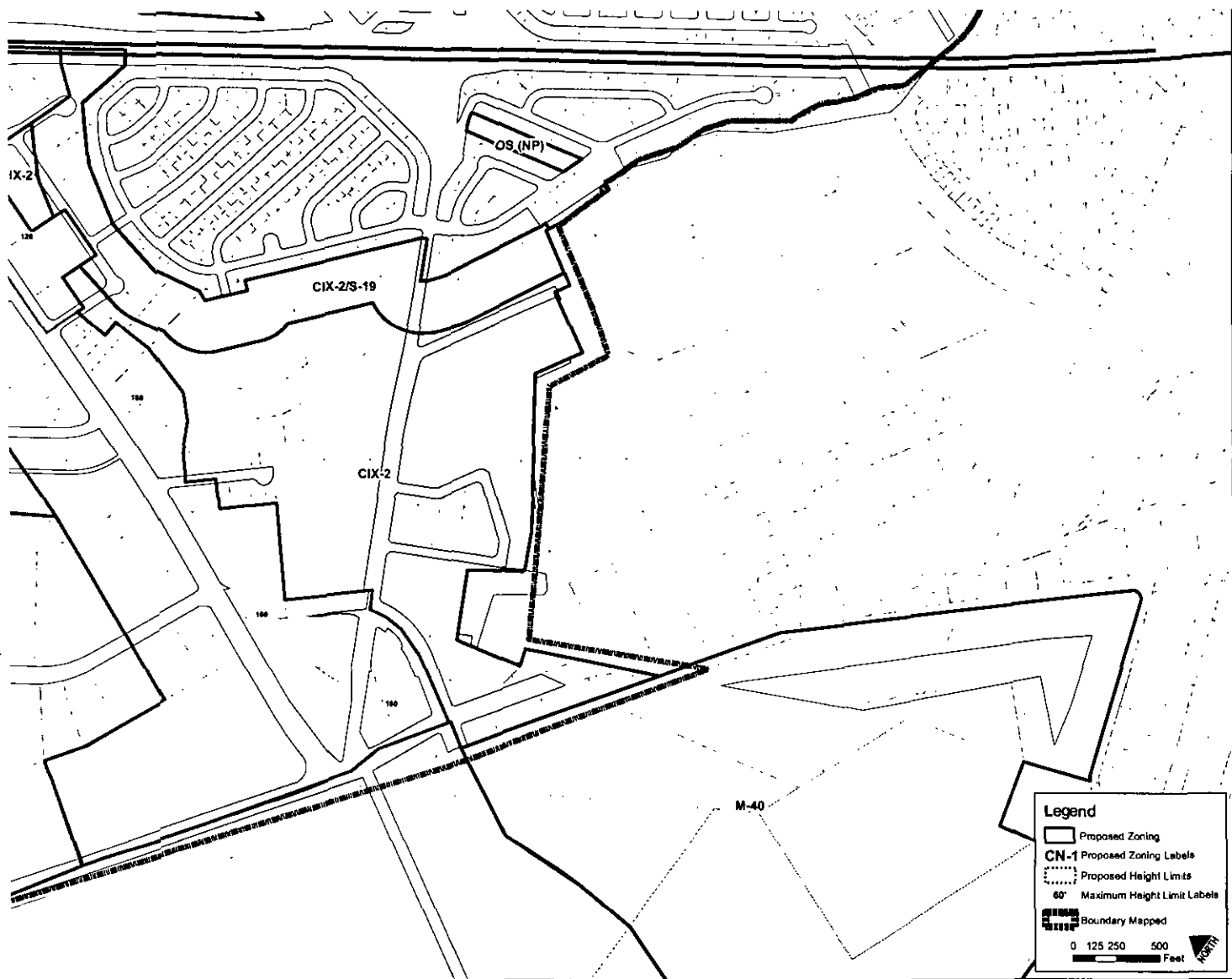




# PROPOSED ZONING AND HEIGHT LIMITS

Area 3 - Elmhurst

Exhibit B-49  
Area 3 - Elmhurst



**CC 3/15/2011**

\*As the zoning update moves forward, please continue to check the proposals, since revisions may occur at each stage of the adoption process.

Exhibit B-50  
Area 3 - Elmhurst

3/15/11 City Council

## **Exhibit C**

This attachment contains the proposed amendments to the “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations”

Deletions are in ~~strikeout~~; additions are underlined.



## **Guidelines for Determining Project Conformity With the General Plan and Zoning Regulations**

Adopted by the  
City of Oakland  
City Planning Commission

Adopted: May 6, 1998

Amended November 3, 1999 (100-31)  
Amended August 8, 2001  
Amended December 5, 2001  
Amended July 15, 2003  
(Minor typographical changes May 28, 2004)  
Amended October 31, 2006  
Amended July 21, 2009  
Amended April 15, 2010  
Amended March 15, 2010

**Guidelines for Determining Project Conformity  
With the General Plan and Zoning Regulations  
Oakland City Planning Commission**

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## UNDERSTANDING THE GUIDELINES

### A. OVERVIEW

This document, Guidelines for Determining Project Conformity, describes the procedure for deciding whether a project is consistent with the General Plan. The document also describes the procedure to follow when the Zoning Regulations and General Plan conflict.

Because the General-Plan Land Use and Transportation Element of the General Plan and Estuary Policy Plan (General Plan) was were adopted more recently than Zoning Regulations, the General Plan and Zoning Regulations may conflict. As a result, some projects may be consistent with Zoning Regulations but inconsistent with the General Plan. When a conflict occurs between Zoning Regulations and the General Plan, the General Plan controls. There are three criteria used to determine whether a project is consistent with the General Plan. They are:

1. Is the proposed activity and facility type permitted under the General Plan? (Refer to Table 2 or 2A)
2. Is the proposed intensity (Floor Area Ratio for non-residential projects) or density (dwelling units per gross acre for residential projects) less than or equal to the maximum permitted by the General Plan? (Refer to Table 3 or 3A)
3. Is the project consistent with relevant General Plan policies? (Refer to Checklist 4)

If the answer to any of the foregoing questions is no, an application for the project will not be processed unless the Director of City Planning makes a determination that the project is consistent with the written goals and policies of the General Plan. The Director would need to make the finding that the land use map shows only the predominant use or average density for the area and that for an individual parcel or small area a different use or density may be appropriate. Additionally, the Director would have to find that the proposal conforms to all of the general use permit criteria, as well as to any and all other applicable use permit criteria pursuant to Section 17.134.050 of the Oakland Planning Code.

If the answer to each of the foregoing questions is yes or the General Plan does not address the issue (i.e., is silent), it must next be determined whether the project is permitted under the Zoning Regulations. Questions are:

1. Is the proposed activity and facility type permitted under the Zoning regulations?
2. Is the project consistent with other regulations of the zone?

If the answer to questions 1 and 2 is yes, the permitting procedure prescribed by the Zoning Regulations is followed (i.e., permitted outright or a conditional use permit required).

If the answer to question 1 is no, a "best fit zone" must be selected by reference to Table 5. There are two situations where Table 5 is used to select a "best fit zone": (1) where the General Plan allows the activity/facility type, but the Zoning Regulations prohibit it (known as "express conflict"); and (2) where the General Plan is silent on the issue, and the Zoning Regulations prohibit the activity/facility type. Where a "best fit zone" is required, the project proponent must apply for either an interim use permit or rezoning.

This is an overview of the procedure for determining consistency with the general Plan. It is not meant to replace the more detailed guidelines that follow. To determine whether a specific proposal is consistent with the General Plan, the Director of City Planning will apply the following Guidelines. The Director's decision is appealable to the City Planning Commission as described in the Planning Code.

# PROJECT CONSISTENCY WITH GENERAL PLAN AND ZONING/SUBDIVISION REGULATIONS

(Zoning/Subdivision Regulations prevail unless there is an express conflict)

## ZONING/SUBDIVISION REGULATIONS

		Permitted	Conditionally Permitted	Not Permitted
<b>GENERAL PLAN</b>	<b>Clearly Conforms</b>	Permitted Outright	Conditional Use Permit (normal process)	Allowed with interim Conditional Use Permit or Rezoning to "Best Fit" Zone <sup>1</sup>
	<b>General Plan is Silent or Not Clear on Conformity</b>	Permitted Outright	Conditional Use Permit (normal process)	<b>Not Allowed</b>  <u>Options</u> <sup>2</sup> : Modify project to conform to Zoning or Rezoning to "Best Fit" Zone <sup>1</sup> or Variance
	<b>Clearly Does Not Conform</b>	<b>Not Allowed</b>  <u>Options</u> <sup>2</sup> : Modify project to conform to General Plan or Apply for General Plan Amendment or Request a General Plan conformity determination from the City Planning Director (an interim CUP is required)	<b>Not Allowed</b>  <u>Options</u> <sup>2</sup> : Modify project to conform to General Plan or Apply for General Plan Amendment or Request a General Plan conformity determination from the City Planning Director  (In all cases, a CUP is still required under Zoning)	<b>Not Allowed</b>  <u>Options</u> <sup>2</sup> : Modify project to conform to General Plan and Zoning or Apply for General Plan Amendment and Rezoning to "Best Fit" Zone <sup>1</sup>

express conflict between Zoning and General Plan; General Plan prevails.

<sup>1</sup> Where a rezoning occurs, the regulations of the new zone would apply, including any requirements for a Conditional Use Permit.

<sup>2</sup> Where none of the options are feasible, the project sponsor should be directed to the Business Retention and Attraction section for assistance in locating an appropriate alternate site.



## **B. BACKGROUND**

On March 24, 1998, the City Council passed Resolution No. 74129 C.M.S. approving the new Land Use and Transportation Element of the Oakland General Plan. That resolution stipulates that

"Until the City's zoning regulations are updated, the City shall apply land use designations, zoning controls and subdivision controls as specified by the planning code and subdivision regulations, except where such action would expressly conflict with the updated General Plan. Where an express conflict does arise, the City will apply the updated General Plan policies and land use designation."

On May 12, 1998, the City Council passed Ordinance No. 12054 C.M.S. adopting interim controls for implementing the General Plan prior to the adoption of revisions to the Oakland Planning Code. This ordinance adds Chapter 17.01 to the Planning Code entitled "General Provisions of Planning Code and General Plan Conformity".

Subsequently, other Elements of the Oakland General Plan have been prepared and adopted by the Oakland City Council. Each of these Elements is also to be implemented on the basis of interim controls until final zones, zoning controls, subdivision, and environmental controls are adopted through the Zoning update process. Recently adopted General Plan Elements are: the Estuary Policy Plan (June 8, 1999, City Council Resolution No. 75037 C.M.S.), the Historic Preservation Element (amended July 21, 1998, Resolution No. 74403 C.M.S.), and the Bicycle Master Plan, also an Element of the General Plan, (July 20, 1999, Resolution No. 75148 C.M.S.) The General Plan Guidelines for determining General Plan Conformity have been revised to reflect these recent adoptions.

Section 17.01.060 of the Planning Code directs the City Planning Commission to "adopt guidelines for determining the General Plan conformity of any specific proposal. Such guidelines shall address activity and facility types, density and intensity of development, and relevant General Plan policies. They shall also identify the 'best fit' zones of the Zoning Regulations, and other possible zones, corresponding to the Land Use Classifications of the General Plan."

Section 17.01.070 of the Planning Code stipulates that "the Director of City Planning shall determine whether any specific proposal conforms with the General Plan. The Director shall use the guidelines adopted pursuant to Section 17.01.060 in making this determination. Any interested party may request that this determination be made in writing, upon payment of a fee as prescribed in the City Master Fee Schedule."

Section 17.01.080 of the Planning Code provides that "within ten calendar days of a written determination by the Director of City Planning pursuant to Section 17.01.070, an appeal of said determination may be taken to the City Planning Commission by the applicant or any other interested party. Such appeal shall be accompanied by a fee as prescribed in the City Master Fee Schedule, and shall be processed in accordance with the Administrative Appeal Procedure."

These are the guidelines mandated by Section 17.01.060 of the Planning Code, to be used by staff in determining Project Conformity with the General Plan for all projects.

## **C. PROCEDURES**

The interim controls define an "express conflict" as "any situation where a proposal clearly conforms with the General Plan but is not permitted by the Zoning and/or Subdivision Regulations, or where a proposal clearly does not conform with the General Plan but is permitted or conditionally permitted by the Zoning and/or Subdivision Regulations." They also specify procedures to be followed in each case. These procedures, and, in some cases, project sponsor options, are summarized in Flow Chart 1.

There are three possibilities under the General Plan Elements: the project may be determined to "clearly conform", to "clearly not conform", or the General Plan may be silent or not clear as to conformity. In the Zoning and/or Subdivision Regulations, a project may be permitted outright, conditionally permitted, or not permitted. Therefore,

nine possible combinations exist for evaluating for Zoning and/or Subdivision Regulations status and General Plan conformity.

**1. Discussion of "Express Conflict" between the General Plan and Zoning**

An "express conflict" exists where the project clearly conforms to the General Plan, but is not permitted by the Zoning and/or Subdivision Regulations, or where the project clearly does not conform to the General Plan, but is permitted or conditionally permitted by the Zoning and/or Subdivision Regulations.

In the case where the project clearly conforms to the General Plan, but is not allowed by the Zoning and/or Subdivision Regulations, the project may be allowed upon the granting of a conditional use permit. Section 17.01.100B of the Planning Code stipulates that this shall be processed as either a minor or major conditional use permit, in accordance with the regular conditional use permit procedures of the Zoning Regulations. In addition to the general use permit criteria, the following three special findings must be made:

- That the proposal is clearly appropriate in consideration of the characteristics of the proposal and the surrounding area;
- That the proposal is clearly consistent with the intent and desired character of the relevant Land Use Classification or Classifications of the General Plan and any associated policies;
- That the proposal will clearly promote implementation of the General Plan.

Since the proposal is not permitted under the Zoning Regulations, there would be no set development standards for evaluating it (e.g. height limit, setback, density, parking requirements, etc.). Therefore, Section 17.01.100B stipulates that the proposal shall be subject to the provisions of the "best fit zone" corresponding to the General Plan Land Use Classification in which the site is located (see Section B.5. below). However, the project sponsor may alternatively elect to apply for a rezoning to the "best fit zone" or other possible zone instead of a conditional use permit.

The only exception to this procedure is for proposals within the Mixed Housing Type Residential General Plan Classification, where no project can have a higher density than allowed by its current zoning without a major variance or a rezoning. Under no situation, however, can a project exceed the maximum density permitted under the General Plan, even if the density allowed by the current zoning is greater than the General Plan.

**2. Examples of "No Express Conflict" between the General Plan and Zoning**

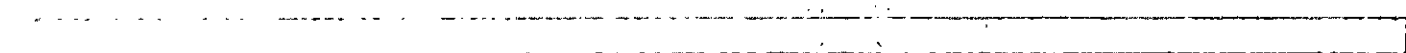
In the case where the project clearly does not conform to the General Plan, *even if the Zoning and/or Subdivision Regulations permit it*, the project is not allowed and no application may be accepted. The project sponsor may modify the project to conform to the General Plan, or apply for a General Plan Amendment. In addition, the determination that the project does not conform to the General Plan may be appealed to the City Planning Commission pursuant to Section 17.01.080.

In some cases, the proposed project may be consistent with the surrounding land uses and appropriate for the area, but not be permitted by the General Plan. It is recognized that the General Plan land uses are broadly applied to areas and that its details are largely illustrative of the Plan's written goals and policies. It is quite possible that slightly different versions would service those goals and policies just as well, or even better. Because the map is generalized, and does not necessarily depict the accuracy of each parcel or very small land area, a determination of project consistency could be requested of the Director of City Planning. The applicant would need to demonstrate that a predominant use, or average density, different from that shown on the map would be appropriate for a relatively small area and that the project is in conformance with the written goals and policies of the General Plan. The project may be allowed upon the granting of an interim conditional use permit or a conditional use permit. Written notice of the Director's determination would be sent to all property owners within 300 feet of the property involved. The Director's determination may be appealed to the City Council pursuant to Section 17.01.080 B.

If the project clearly conforms with the General Plan or the General Plan is silent or not clear, and the project is permitted and/or conditionally permitted by the Zoning and/or Subdivision Regulations, there is no "express conflict" and the normal Zoning and/or Subdivision process applies.

Similarly, if the project clearly does not conform to the General Plan and is not allowed by the Zoning and/or Subdivision Regulations, there is no "express conflict". In this case, the project is not allowed, and no application may be accepted, since General Plan variances are not an option. To continue, the project sponsor has two choices: elect to modify the project to conform to the General Plan and existing Zoning; or apply for a General Plan Amendment and rezoning to the "best fit zone" or other possible zone. If the Director of Planning and Zoning issues a determination that the proposed project does not conform to the General Plan and the project sponsor disagrees with that determination, the project sponsor may appeal the determination of nonconformity with the General Plan to the City Planning Commission.

There is also no "express conflict" if the General Plan is silent or not clear and the Zoning and/or Subdivision Regulations do not allow the project. In this case, the project sponsor may modify the project to fit the zone, apply for a rezoning to the "best fit zone" or other possible zone, or apply for a variance, (since no variance from the General Plan would be involved).



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Department of Planning and Zoning  
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Oakland, CA 94612  
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Fax: (415) 774-2001  
www.oaklandca.gov

## APPLICATION OF GUIDELINES TO DETERMINE PROJECT CONFORMITY

In making a determination of Project Conformity with the General Plan, the following factors shall be evaluated:

- The General Plan Land Use Classification and Zoning District within which the proposed project is located
- The Zoning Land use classification of the project (activity and facility type)
- The Project intensity (residential density and/or nonresidential floor area ratio)
- Relevant General Plan policies from all adopted Elements.

In order to "clearly conform" to the General Plan, a project must be found to clearly conform by all relevant factors. If the project is found to clearly not conform in any one factor, then the entire project is in nonconformance. Note that if none of the General Plan policies identified in Section B4 apply to the project, this factor should not be considered in the conformity determination; in this case, only land use and project intensity would be considered.

### **A. General Plan Land Use Classification and Zoning District Determination**

To determine the correct General Plan Land Use Classification and Zoning District for the project proposal, determine the proposed project's location on either the General Plan Land Use Diagram or Estuary Policy Plan Land Use Diagram and the City's official Zoning Map. The General Plan Land Use Classifications are broad and indicate the kinds of development expected in any given area of the city. The Zoning District will assist in determining if the intent of the District is similar to that of the General Plan. These two elements will give the reviewer an initial understanding of possible conformity. The flow chart on the next page is intended to assist in this effort, beginning with the General Plan Land Use Classification and Zoning District. However, each project must also be evaluated according to the next three factors below, for a complete understanding of the potential project's conformity status.

**FLOW CHART 1: Determining a Project's Conformity with the General Plan and Zoning Regulations**

<p style="text-align: center;"><b>FIRST:</b></p> <p>▪ Is the project located within the Port's jurisdiction?</p>	<p>If YES:</p>	<p>Send Applicant to Port Planning, 530 Water Street</p>
--	----------------	--

If NO, follow steps 1 through 4

<p><i>IDENTIFY PROJECT.</i></p> <p><b>Location:</b></p>	<p><b>Zoning:</b></p> <p><b>General Plan Designation:</b></p>
<p><i>ASSESS PROJECT ELEMENTS</i></p> <ol style="list-style-type: none"> <li>1. Identify the project's activity and facility type. <i>See Section 2, and Table 2 or 2A.</i></li> <li>2. Calculate the project's density or intensity. <i>See Section 3, and Table 3 or 3A.</i></li> <li>3. Identify relevant <b>General Plan Policies</b>. <i>See Section 4 and Checklist 4. The actual text of many policies are located in the appendix, or you can consult the Elements themselves.</i></li> </ol>	
<p><i>SUMMARIZE FINDINGS</i></p> <p><b>Does the project conform to the General Plan Land Use Classification, density or intensity standards, and relevant Plan policies?</b></p> <p><b>Does the project conform to Zoning activities or facilities, density/intensity*, and other regulations of the zone?</b>      * The General Plan ultimately controls application of density/intensity.</p>	

Then choose A, B, or C below to determine the appropriate action:

<p><b>A. IF THE PROJECT CONFORMS TO THE GENERAL PLAN:</b></p>
<p>And the project is permitted by zoning, Then the project is permitted outright</p>
<p>And the project would normally require a Conditional Use Permit (CUP), then it is permitted with approval of a CUP.</p>
<p>But the project is not permitted by zoning; this is an express conflict with the General Plan. The project can only be allowed with an Interim CUP or an approved application for a Rezoning. <i>See Table 5 for "Best Fit Zones" for the rezoning.</i></p>

<p><b>B. IF THE GENERAL PLAN IS SILENT:</b></p>
<p>And the project is permitted by zoning. Then the project is permitted outright.</p>
<p>And the project would normally require a CUP, then it is permitted with approval of a CUP</p>

But the project is not permitted by zoning, the project must be modified to conform to zoning, or apply for a rezoning. See Table 5 for "Best Fit Zones"

**C. IF THE PROJECT DOES NOT CONFORM TO THE GENERAL PLAN:**

Even If the project is permitted by zoning, it is not allowed.

This is an express conflict with the General Plan.

Options: Modify the project to conform to the General Plan, apply for a General Plan Amendment, or apply for a General Plan conformity determination from the Director of City Planning (an interim CUP is required).

And even If the project would normally require a CUP, it is not allowed. This is an express conflict with the General Plan.

Options: Modify the project to conform to the General Plan, apply for a General Plan Amendment, or apply for a General Plan conformity determination from the Director of City Planning. In all cases a CUP is still required.

And if the project is not permitted by zoning, it is not allowed.

Options: Modify the project to conform to both the General Plan and Zoning, or apply for a General Plan Amendment and a Rezoning.

See Table 5 for "Best Fit Zones"

**B. Land Use Activity and Facility Types**

Determine the activity and facility type of the proposal, referring to Chapter 17.10 of the Zoning Regulations if necessary. Then determine the General Plan Land Use Classification of the site, referring to the Land Use Diagram of the Land Use and Transportation Element or the Land Use Diagram of the Estuary Policy Plan, as appropriate. Consult Table 2 or 2A to determine the status of this activity and facility type in this Land Use Classification.

For residential uses, both the activity type (usually Permanent Residential) and the facility type must be found to "clearly conform" for the project to clearly conform with respect to land use, since residential density and housing type are explicitly addressed in many of the Land Use Classifications. For nonresidential uses, the primary concern is the activity type, since the Land Use Classifications do not generally address the form of nonresidential structures. In other words, if the nonresidential activity type clearly conforms, and the General Plan is silent on the nonresidential facility type, the use may still be determined to clearly conform.

In the event that either the activity or facility type is found to clearly not conform to the General Plan according to Table 2 or 2A, the entire use does not conform and must be modified accordingly or rejected.

**C. Density or Intensity**

Intensity of development is measured by floor area ratio (FAR) for nonresidential projects and dwelling unit density for residential projects, as explained in Zoning Code Bulletin No. C-002, issued April 20, 2000 by the Community and Economic Development Agency, Planning and Zoning. Tables 3 and 3A give the allowable FAR and density for each Land Use Classification.

**1. Nonresidential Floor Area Ratio**

The calculation of floor area ratio for nonresidential projects is explained in Zoning Code Bulletin No. C-002, issued April 20, 2000 by the Community and Economic Development Agency, Planning and Zoning. If the result exceeds

the FAR allowed in the relevant Land Use Classification, the project clearly does not conform. If it is equal or less, the project clearly does conform.

Note, however, that the maximum FAR specified by the General Plan might not be allowed in particular cases. For example, in the Central Business District, an FAR of 20.0 is specified. However, the description of the Central Business District Land Use Classification states that "in some areas ... such as the Broadway spine, the highest FAR may be encouraged, while in other areas such as near Lake Merritt and Old Oakland, lower FARs may be appropriate." Thus, a project that was within the FAR limit of 20.0 in the CBD might still not be able to comply with the special use permit criteria of Section 17.01.100B, depending on its location within the downtown area. The policies for the downtown and its various sub-areas should also be consulted (see Section 4 below).

## 2. Residential Density

Residential density is somewhat more complicated, because the General Plan specifies density as "principal units per gross acre". Gross acreage includes all land in the neighborhood, including streets and parks. To calculate permitted density on a particular parcel, this gross density figure must be translated to net density. To complicate matters further, there is not a consistent net-to-gross ratio for the entire City. It ranges from more than 80% in some parts of the hills to less than 60% downtown. Overall, an average net-to-gross ratio of 75% is assumed, except downtown where 60% is assumed, and is used in Table 3 or 3A to determine net density limits.

However, if it appears in any given situation that the net-to-gross ratio is significantly different than indicated in Table 3 or 3A, an individual calculation should be made for the site in question. This is done as follows:

- a. Draw a 1,000-foot square centered on the site.
- b. Calculate the total area of all developable land, exclusive of streets or parkland, within that square.
- c. Divide the area determined in step 2 by 1,000,000 square feet (the total area of a 1,000-foot square). The result is the net-to-gross ratio for this area, expressed as a fraction. (Multiply by 100 to get a percent figure.)
- d. Divide the maximum "principal units per gross acre" of the relevant Land Use Classification by the net-to-gross ratio determined in step 3. The result is the maximum principal units per net acre.
- e. Divide 43,560 (the number of square feet in an acre) by the figure determined in step 4 to get the number of square feet of lot area per dwelling unit. This is the way density is calculated in the Zoning Regulations.
- f. Divide the site area by the number determined in step 5, rounding to the nearest whole number. This is the maximum number of principal units permitted on the site by the General Plan.

For example, suppose that the site is 10,000 square feet and is located in the Mixed Housing Type Residential Land Use Classification, which allows up to 30 principal units per gross acre. Here is a possible scenario:

- a. Draw the 1,000-foot square on a parcel map of the area, centered on the site.
- b. Calculate developable area. Suppose the result is 780,000 square feet.
- c. Divide 780,000 by 1,000,000. The result is 0.78, for a net-to-gross ratio of 78%. ( $780,000 / 1,000,000 = 0.78$ .  $0.78 \times 100 = 78$ )
- d. Divide 30 principal units per gross acre by 0.78. The result is 38.46. This is the allowable number of principal units per net acre. ( $30 / 0.78 = 38.46$ )
- e. Divide 43,560 square feet per acre by 38.46 units per acre. The result is 1,132.6 square feet of site area per unit. ( $43,560 / 38.46 = 1,132.6$ )

- f. Divide the site area of 10,000 square feet by 1,132.6 square feet of site area per unit. The result is 8.83, which rounds to 9. ( $10,000 / 1,132.6 = 8.83$  rounded to 9). Thus a maximum of 9 units is allowable on this site under the General Plan.

### 3. Subdivisions in the Hillside Residential Land Use Classification

In addition to maximum residential density, subdivision lot sizes are specified for the Hillside Residential Land Use Classification. The description of this classification states that "typical lot sizes range from approximately 8,000 square feet to one acre in size." Further, Policy N7.3, entitled "Hill Area Subdivision", reads:

"At least 8,000 square feet of lot area per dwelling unit should be required when land in the hill area is subdivided. Lots smaller than 8,000 square feet may be created only when this ratio is maintained for the parcel being divided."

This policy is interpreted to mean that the average lot size of any subdivision in the Hillside Residential Land Use Classification shall not be less than 8,000 square feet. However, this policy is only intended to apply to large, unsubdivided parcels. As a general rule, the policy would apply to subdivisions of five lots or more requiring a tract map, but not to subdivisions of four lots or fewer requiring a parcel map. In the latter case, the provisions of the Zoning and Subdivision Regulations regarding minimum lot size would prevail.

When a large parcel in the Hillside Residential area is subdivided, it must conform to the minimum lot size specified in the Zoning Regulations, the prevailing lot size specified in the Subdivision Regulations, and the 8,000 square foot minimum average lot size specified in Policy N7.3. If the average lot size of the proposed subdivision is less than 8,000 square feet, the project clearly does not conform to the General Plan and is not allowed. If the average lot size is 8,000 square feet or more, there is no General Plan problem and the Zoning and Subdivision Regulations prevail. The conditional use permit provided by Section 17.01.100B would not be allowed in this situation, since it is not the intent of the General Plan to permit subdivisions with lots smaller than would otherwise be allowed under current regulations.

### 4. Mixed Use Projects

The density for Mixed Use Projects in the Central Business District and Jack London District is calculated pursuant to Ordinance No. 12349 C.M.S. dated July 24, 2001 amending the Oakland Planning Code Section 17.106.030.

## D. General Plan Policy

Checklist 4 lists policies from various General Plan elements that have been identified for use in screening projects for General Plan conformity. The policies listed in Checklist 4 are written in full form in the Appendix, however many additional policies that exist in the City's General Plan Elements *are not* listed here. The Checklist and Appendix contain most policies that seem to be immediately relevant to land use decision-making, however it may be necessary to consult the Elements themselves for additional guidance or to resolve complex questions. For any given project, go through the checklist to determine whether any of these policies apply. If so, consult the policy to determine whether the project conforms. If none of these policies applies to the project, the conformity determination will be based solely on land use and intensity, as discussed above. However, if any of these policies do apply, the project must conform to them in order to conform to the General Plan.

For example, a hotel is proposed along upper Broadway in North Oakland in an area designated Community Commercial by the General Plan and zoned C-40. A hotel is a Transient Habitation Commercial Activity, which is conditionally permitted in the C-40 Zone. According to Table 2, the General Plan is silent on Transient Habitation Commercial Activities in the Community Commercial Land Use Classification. Suppose the calculated FAR of the hotel is 2.5; the Community Commercial designation allows an FAR up to 5.0. Thus, the hotel passes the land use and intensity tests, so it appears that the zoning would prevail and the hotel would be conditionally permitted. However, consulting the checklist in Table 4, we find the question "Does the project involve development of a hotel or motel? If yes, see policy N1.7." Policy N1.7 is entitled "Locating Hotel and Motels", and states:



"Hotels and motels should be encouraged to locate downtown, along the waterfront, near the airport, or along the 1-880 corridor. *No new hotels or motels should be located elsewhere in the city*, however, the development of 'bed-and-breakfast' type lodgings should be allowed in the neighborhoods, provided that the use and activities of the establishment do not adversely impact nearby areas, and parking areas are screened." [emphasis added].

Thus, it can be clearly seen that the proposed hotel would conflict with this policy, and would therefore not conform to the General Plan. As stipulated in Planning Code Section 17.01.120, the project is not allowed and no application may be accepted. The project sponsor has four options: change the project to conform (e.g. change the project from a hotel to some other use), apply for a General Plan amendment (in this case it would be an amendment to the text of Policy N1.7), find another site where the General Plan allows hotels. If the project sponsor believes that staff's determination regarding General Plan conformity is in error, the sponsor may appeal the determination to the City Planning Commission.

#### 1. "Best Fit Zone" and Other Possible Zones

Under the conditional use permit provided by Section 17.01.100B of the Planning Code the project in question is to be subject to the "best fit zone" from the Zoning Regulations. Such "best fit zones" (and "other possible zones") are identified in Table 5 or 5A for the various General Plan Land Use Classifications. Where more than one "best fit zone" is identified for a particular Land Use Classification, Section 17.100B stipulates that "the Director of City Planning shall determine which zone to apply, with consideration given to the characteristics of the proposal and the surrounding area and any relevant provisions of the General Plan." The Director's determination of "best fit zone" cannot be appealed to the City Planning Commission under Section 17.01.080, because it is made in conjunction with a conditional use permit, which allows appeals under the conditional use permit procedures. Where a "best fit zone" has a table containing height areas, the Director shall determine the most appropriate height area.

In the case where the project sponsor opts for a rezoning, or for a General Plan amendment to match the current zoning, the "best fit zone" or "other possible zones" are allowed in determining which zone or General Plan Land Use Classification to use. The City Planning Commission and City Council make the ultimate determination of which zone to apply since a rezoning requires passage of an ordinance by the Council with a recommendation from the Commission. Specifically, Section 17.144.060 of the Rezoning and Law Change Procedure provides that the Commission "shall consider whether the existing zone ... [is] inadequate or otherwise contrary to the public interest and may approve, modify, or disapprove the application." "If the project sponsor requests one of these other possible zones, the application should fully explain why this other zone is considered preferable to the "best fit zone."

**CHARTS, TABLES AND CHECKLISTS**

<b>TABLE 2: LAND USE</b>	<b>GENERAL PLAN LAND USE CLASSIFICATIONS</b>														
<b>ZONING ACTIVITY AND FACILITY TYPES</b> ✓ Conforms w/ General Plan CP Silent or Unclear X: Clearly Does not Conform NA: Zoning regulations apply	Hillside Residential*	Detached Unit Residential*	Mixed Housing Type Residential*	Urban Residential*	Neighborhood Center Mixed Use*	Community Commercial*	Regional Commercial*	Business Mix*	General Industrial****	Institutional*	Central Business District*	Mixed-Use Water front (See Table 5A)	Housing Business Mix****	Open Space RCA*	Open Space (Other)*
<b>Residential Activities:</b>															
Permanent	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA X	NA	✓	NA		NA	NA	NA
Semi-Transient	X NA	NA X	NA X	NA	NA	NA	NA X	NA X	NA		NA		NA	NA X	NA X
Residential Care	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA
Service-Enriched Permanent Housing	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA
Transitional Housing	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA
Emergency Shelter	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA
<b>Civic Activities:</b>															
Essential Service	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA
Limited Child-Care	NA	NA	NA	NA	NA	NA	NA	NA X	NA		NA		NA	NA	NA
Nursing Home	NA	NA	NA	NA	NA	NA	NA	NA X	NA	✓	NA		NA	NA X	NA X
Community Assembly	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA X	NA	✓	NA		NA	NA	NA
Recreational Assembly	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA	NA	✓	NA		NA	NA	NA
Community Education	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA	NA X	NA	✓	NA		NA	NA	NA
Non-Assembly Cult.	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA	NA	NA	✓	NA		NA	NA	NA
Administrative	NA	NA	NA	NA	NA ✓	NA ✓	NA ✓	NA	NA	✓	NA		NA	NA	NA
Residential Care	NA	NA	NA	NA	NA	NA	NA	NA X	NA	✓	NA		NA	NA X	NA X
Health Care	NA	NA	NA	NA	NA	NA ✓	NA	NA X	NA	✓	NA		NA	NA X	NA X
Utility and Vehicular	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA
Extensive Impact	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA
Telecommunications	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA
<b>Commercial Activities:</b>															
General Food Sales	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA	NA		NA		NA	NA	NA

TABLE 2: LAND USE  ZONING ACTIVITY AND FACILITY TYPES ✓Conforms w/ General Plan GP Silent or Unclear X: Clearly Does not Conform NA: Zoning regulations apply	GENERAL PLAN LAND USE CLASSIFICATIONS														
	Hillside Residential*	Detached Unit Residential*	Mixed Housing Type Residential*	Urban Residential*	Neighborhood Center Mixed Use*	Community Commercial*	Regional Commercial*	Business Mix*	General Industrial****	Institutional*	Central Business District*	Mixed-Use Water front (See Table 5A)	Housing Business Mix****	Open Space RCA*	Open Space (Other)*
Full Service Restaurant	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA		NA		NA	NA	NA
Limited Service Restaurant	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA		NA		NA	NA	NA
Convenience Market	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA
Fast-Food Restaurant	NA X	NA X	NA X	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA
Alcohol Beverage Sales	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA
Consumer Service	NA	NA	NA	NA ✓	NA ✓	NA ✓	NA ✓	NA	NA		NA		NA	NA	NA
Mechanical or Electrical Games	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA
Medical Service	NA	NA	NA	NA	NA	NA ✓	NA	NA ✓	NA	✓	NA		NA	NA	NA
General Retail Sales	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA	NA		NA		NA	NA	NA
Consultative & Financial Services	NA X	NA X	NA	NA	NA	NA ✓	NA ✓	NA	NA		NA		NA	NA	NA
Consumer Cleaning & Repair	NA X	NA X	NA	NA	NA	NA ✓	NA ✓	NA ✓	NA		NA		NA	NA	NA
Consumer Dry Cleaning Plant	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA
Group Assembly	NA X	NA X	NA	NA	NA	NA ✓	NA ✓	NA	NA		NA		NA	NA	NA
Personal Instruction & Improvement & Small Scale Entertainment	NA X	NA X	NA	NA	NA	NA ✓	NA ✓	NA	NA		NA		NA	NA	NA
Administrative	NA X	NA X	NA	NA	NA ✓	NA ✓	NA ✓	NA	NA		NA		NA	NA	NA
Business, Communications & Media	NA X	NA X	NA	NA	NA ✓	NA ✓	NA ✓	NA ✓	NA		NA		NA	NA	NA
Broadcasting & Recording	NA X	NA X	NA	NA	NA ✓	NA ✓	NA ✓	NA ✓	NA		NA		NA	NA	NA
Research Service	NA X	NA X	NA	NA	NA	NA	NA	NA ✓	NA		NA		NA	NA	NA
General Wholesale Sales	NA X	NA X	NA X	NA X	NA X	NA	NA	NA ✓	NA		NA		NA	NA	NA
Transient Habitation/B&B	NA	NA	NA	NA	NA	NA	NA ✓	NA	NA		NA		NA	NA	NA
Wholesale Professional Building Material Sales	NA X	NA X	NA X	NA X	NA X	NA	NA	NA	NA	X	NA		NA	NA	NA
Auto & Light Vehicle Sales & Rental /	NA X	NA X	NA X	NA X	NA	NA ✓	NA ✓	NA ✓	NA		NA		NA	NA	NA

TABLE 2: LAND USE  ZONING ACTIVITY AND FACILITY TYPES ✓ Conforms w/ General Plan GP Silent or Unclear X: Clearly Does not Conform NA: Zoning regulations apply	GENERAL PLAN LAND USE CLASSIFICATIONS														
	Hillside Residential*	Detached Unit Residential*	Mixed Housing Type Residential*	Urban Residential*	Neighborhood Center Mixed Use*	Community Commercial*	Regional Commercial*	Business Mix*	General Industrial****	Institutional*	Central Business District*	Mixed-Use Water front (See Table 5A)	Housing Business Mix****	Open Space RCA*	Open Space (Other)*
Auto & Light Vehicle /Gas Station & Servicing	NA X	NA X	NA X	NA	NA	NA ✓	NA ✓	NA	NA		NA		NA	NA X	NA X
Auto & Light Vehicle Repair & Cleaning	NA X	NA X	NA X	NA X	NA X	NA ✓	NA	NA	NA		NA		NA	NA X	NA X
Auto Fee Parking	NA X	NA X	NA X	NA	NA	NA	NA	NA	NA		NA		NA	NA X	NA X
Taxi & Light Fleet Service	NA X	NA X	NA X	NA X	NA X	NA	NA	NA	NA		NA		NA	NA X	NA X
Animal Boarding	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA
Animal Care	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA
Undertaking Service	NA X	NA X	NA X	NA	NA	NA	NA	NA	NA		NA		NA	NA X	NA X
<b>Industrial Activities:</b>															
Custom Manufacturing	NA X	NA X	NA X	NA X	NA X	NA	NA	NA ✓	NA	X	NA		NA	NA X	NA X
Light Manufacturing	NA X	NA X	NA X	NA X	NA X	NA	NA	NA ✓	NA	X	NA		NA	NA X	NA X
General Manufacturing	NA X	NA X	NA X	NA X	NA X	NA X	NA X	NA ✓	NA	X	NA		NA	NA X	NA X
Heavy/ High Impact Manufacturing	NA X	NA X	NA X	NA X	NA X	NA X	NA X	NA	NA	X	NA		NA	NA X	NA X
<b>Agricultural/Extractive:</b>															
Plant Nursery	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA X	NA X
Crop/Animal Raising	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA	NA
Mining and Quarrying	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA		NA	NA X	NA X
<b>Residential Facilities:</b>															
One-Family Dwelling	NA ✓	NA ✓	NA ✓	NA	NA	NA	NA	NA X	NA		NA		NA	NA	NA
One-Family dwelling w/Secondary unit	NA ✓	NA ✓	NA ✓	NA	NA	NA	NA	NA X	NA		NA		NA	NA X	NA X
Two-Family Dwelling	NA X	NA X	NA ✓	NA	NA	NA	NA	NA X	NA		NA		NA	NA X	NA X
Multifamily Dwelling	NA X	NA X	NA ✓	NA ✓	NA ✓	NA ✓	NA ✓	NA X	NA	✓	NA		NA	NA X	NA X
Rooming House	NA	NA	NA	NA	NA	NA	NA	NA X	NA		NA		NA	NA X	NA X
Mobile Home	NA	NA	NA	NA	NA	NA	NA	NA X	NA		NA		NA	NA X	NA X
<b>Nonresidential Facilities:</b>															
Enclosed	NA	NA	NA	NA ✓	NA ✓	NA	NA	NA	NA		NA		NA	NA	NA

TABLE 2: LAND USE ZONING ACTIVITY AND FACILITY TYPES ✓ Conforms w/ General Plan GP Silent or Unclear X: Clearly Does not Conform NA: Zoning regulations apply	GENERAL PLAN LAND USE CLASSIFICATIONS														
	Hillside Residential*	Detached Unit Residential*	Mixed Housing Type Residential*	Urban Residential*	Neighborhood Center Mixed Use*	Community Commercial*	Regional Commercial*	Business Mix*	General Industrial****	Institutional*	Central Business District*	Mixed-Use Water front (See Table 5A)	Housing Business Mix****	Open Space RCA*	Open Space (Other)*
Open	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA	NA	NA
Drive-In	NA X	NA X	NA X	NA	NA	NA	NA	NA	NA	NA	NA		NA	NA	NA
Sidewalk Café	NA	NA	NA	NA ✓	NA ✓	NA ✓	NA ✓	NA	NA	NA	NA		NA	NA	NA
Shopping Center**	NA X	NA X	NA X	NA X	NA ✓	NA ✓	NA ✓	NA	NA	NA	NA		NA	NA	NA
Drive-Through	NA X	NA X	NA X	NA	NA X	NA ✓	NA ✓	NA	NA	NA	NA		NA	NA	NA
Signs:															
Residential	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA	NA	NA
Special	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA	NA	NA
Development	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA	NA	NA
Realty	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA	NA	NA
Civic	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA	NA	NA
Business	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA	NA	NA
Advertising	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA	NA	NA
Telecommunications															
Micro	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA	NA	NA
Mini	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA	NA	NA
Macro	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA	NA	NA
Monopole	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA	NA	NA
Tower	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		NA	NA	NA
Accessory Activ./Facil.															
Live/work	NA	NA	NA ✓	NA	NA	NA	NA	NA	NA	X	NA		NA	X	X

\* Downtown building conversions to Live/Work are governed by a June 1999 ordinance which regulates and designates a specific downtown area for this type of conversion, regardless of General Plan Land Use Classification. See "Residentially Oriented Live Work" regulations.

\*\* "Shopping Center" is defined as a Non-residential facility type, but is not listed as permitted or conditionally permitted in any zone. This definition is used in conjunction with 1000' foot rule for Fast Food Restaurants (Section 17.102.210(E)(1)).

\*\*\*\* This table only applies to the Institution General Plan Classification due to updates to the Zoning Ordinance. The permitted, conditionally permitted, and prohibited activities for the Housing and Business Mix, General Industrial and Transportation, and Central Business District General Plan classifications are always determined by the underlying zoning designation. Zoning designations have been adopted by the City Council to implement these General Plan classifications.

The Mixed Use Waterfront Classification is superseded by the Estuary Policy Plan Land Use Classifications. See Table 2A.

TABLE 2A: ESTUARY POLICY PLAN LAND USE CLASSIFICATIONS

TABLE 2A: ESTUARY LAND USE ZONING REGULATIONS ACTIVITY AND FACILITY TYPES*	Jack London District										O-9	San Antonio/Fruitvale							
	Light Indust. 1	Gff Price Retail 1	Ret. Dine, Entert 1	Pet. Dine, Entert 2	Produce Market	W. Commrc. Rec. 1	Mixed Use Dist.	W. Mixed U. Dist.	W. Warehouse Dist.	Plnn. W. Devel. -1	W. Commrc. Rec. 2	Light Indust 2	Plan. W. Devel. 2	Resid. Mixed U.	Heavy Ind.	Gen. Commerce. 1	Plnn. W. Dist. 3	Gen. Commerce. 2	Light Indust. 3
Residential Activity																			
Permanent		✓	X	✓	✓	X	✓	✓	✓	✓	X		✓	NA	X	X	X	X	X
Semi-Transient		✓	X	✓	✓	X	✓	✓	✓	✓	X		✓	NA	X	X	X	X	X
All Residential Care categories		✓	X	✓	✓	X	✓	✓	✓	✓	X		✓	NA	X	X	X	X	X
Civic Activities:																			
Essential Service														NA					
Limited Child Care										✓	X		X	NA	X		X		X
Community Assembly						✓				✓			X	NA	X		X		X
Recreational Assembly						✓				✓			X	NA	X		X		X
Community Education			X	X	X					✓	X		X	NA	X	X	X	X	X
Non-Assembly Cultural			✓	✓	✓	✓				✓				NA					
Administrative														NA					
Health Care	X	X	X	X	X	X	X	X	X	X	X	X	X	NA	X	X	X	X	X
Utility and Vehicular			X	X	X	X		X	X	X	X		✓	NA	✓		✓		✓
Extensive Impact														NA					
Telecommunications														NA					
Commercial Activities:																			
General Food Sales		✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	NA		✓		✓	
Full Service Restaurant		✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	NA		✓		✓	
Limited Service Restaurant		✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	NA		✓		✓	
Convenience Market													✓	NA					
Fast-Food Restaurant			*	*										NA					
Alcoholic Beverage Sales														NA					
Consumer Service														NA					
Mechanical or Electronic Games														NA					
Medical Service													X	NA	X	X	X	X	X
Gen. Retail Sales		✓	✓	✓	✓	✓	✓	✓	✓	✓				NA		✓		✓	
Consult./Financial Service				✓		✓								NA		✓	✓	✓	
Consumer Cleaning/Repair Svc.													✓	NA					✓
Dry Cleaning Plant														NA					

TABLE 2A: ESTUARY LAND USE ZONING REGULATIONS ACTIVITY AND FACILITY TYPES*	Jack London District									O-9	San Antonio/Fruitvale								
	Light Indust. 1	Off Price Retail 1	Ret. Dine, Entert 1	Ret. Dine, Entert 2	Produce Market	W. Commrc. Rec. 1	Mixed Use Dist.	W. Mixed U. Dist.	W. Warehouse Dist.	Plan. W. Devel. -1	W. Commrc. Rec. 2	Light Indust 2	Plnn. W. Devel. 2	Resid. Mixed U.	Heavy Ind.	Gen. Commerce. 1	Plan. W. Dist. 3	Oen. Commerce. 2	Light Indust. 3
Group Assembly			✓	✓		✓				✓				NA		✓		✓	
Personal Instruction/Imprv			✓	✓		✓				✓				NA		✓		✓	
Administrative			✓	✓	✓	✓		✓		✓				NA		✓	✓	✓	
Business/Communications Svc.													✓	NA		✓	✓	✓	✓
Broadcasting & Recording													✓	NA		✓	✓	✓	✓
Research Service														NA			✓		✓
Gen. Wholesale Sales		✓	X	X	✓	X	✓	X	✓			✓	✓	NA	✓	✓	✓	✓	✓
Transient Habitation/B&B		✓	✓		✓					✓	✓		X	NA	X	✓			
Building Material Sales			X	X		X		X					✓	NA	✓	✓	✓	✓	✓
Auto (Boat) Sales/Rental/Delivery				X		X		X		✓			✓	NA		✓		✓	✓
Automobile Gas/Serviceing				X		X		X				✓	✓	NA	✓	✓		✓	✓
Automobile Repair/Cleaning						X	X	X	X			✓	✓	NA	✓	✓	X	✓	✓
Auto (Boat) Parking – Fee						X		X					✓	NA		✓		✓	✓
Taxi & Light Fleet	✓		X	X	✓	X		X				✓	✓	NA	✓	✓	✓	✓	✓
Transport/Warehousing	✓		X	X	✓	X		X				✓	✓	NA	✓	✓	✓	✓	✓
Animal Boarding														NA					
Animal Care														NA					
Undertaking Service														NA					
Scrap Operation	X	X	X	X	X	X	X	X	X	X	X	X	X	NA		X	X	X	X
Manufacturing Activ.:																			
Custom Manufacturing	✓				✓		✓		✓	✓		✓	✓	NA	✓	✓	✓	✓	✓
Light Manufacturing	✓		X	X	✓	X	✓	X	✓	✓		✓	✓	NA	✓	✓	✓	✓	✓
General Manufacturing		X	X	X	X	X	X	X	X	X			✓	NA	✓				
Heavy Manufacturing	X	X	X	X	X	X	X	X	X	X	X	X	✓	NA	✓	X	X	X	X
Agricultural/Extract.:																			
Plant Nursery														NA					
Crop and Animal Raising	X	X	X	X	X	X	X	X	X	X	X	X	X	NA	X	X	X	X	X
Mining/Quarrying	X	X	X	X	X	X	X	X	X	X	X	X		NA		X	X	X	X
Residential Facilities:																			
One Family Dwelling	✓	✓	X	✓	✓	✓	✓	✓	✓		X	✓	X	NA	X	X	X	X	X
One Family Dwelling/Secondary	✓	✓	X	✓	✓	✓	✓	✓	✓		X	✓	X	NA	X	X	X	X	X
One Family Dwelling/Second	✓	✓	X	✓	✓	✓	✓	✓	✓		X	✓	X	NA	X	X	X	X	X

TABLE 2A: ESTUARY LAND USE ZONING REGULATIONS ACTIVITY AND FACILITY TYPES*	Jack London District									O-9	San Antonio/Fruitvale								
	Light Indust.1	Off Price Retail 1	Ret. Dine, Entert 1	Ret. Dine, Entert 2	Produce Market	W. Commrc. Rec. 1	Mixed Use Dist.	W. Mixed U. Dist.	W. Warehouse Dist.	Plan. W. Devel. -1	W. Commrc. Rec. 2	Light Indust 2	Plan. W. Devel. 2	Resid. Mixed U.	Henry Ind	Gen. Commerce. 1	Plan. W. Dist. 3	Gen. Commerce. 2	Light Indust. 3
Two Family Dwelling	✓	✓	X	✓	✓	✓	✓	✓	✓		X	✓	X	NA	X	X	X	X	X
Multi-Family Dwelling	✓	✓	X	✓	✓	✓	✓	✓	✓		X	✓	X	NA	X	X	X	X	X
Rooming House											X		X	NA	X	X	X	X	X
Downtown Live/Work*	✓	✓	X	✓	✓	X	✓	X	✓	X	X	X	X	NA	X	X	X	X	X
Mobile Home	X	X	X	X	X	X	X	X	X	X	X	X	X	NA	X	X	X	X	X
<b>NON-RESIDENTIAL FACILITIES</b>																			
Enclosed														NA					
Open			✓	✓		✓				✓				NA					
Drive-in					X		X		X					NA					
Sidewalk Café		✓	✓	✓	✓	✓	✓	✓	✓	✓			X	NA	X				
Shopping Center/Fast Food					X		X							NA					
Drive Through					X		X		X					NA					
<b>SIGNS</b>																			
Residential			X			X					X			NA	X	X	X	X	X
Special														NA					
Development														NA					
Realty														NA					
Civic														NA					
Business														NA					
Advertising														NA					
<b>TELECOMMUNICATIONS FAC.</b>																			
Micro														NA					
Mini														NA					
Macro														NA					
Monopole														NA					
Tower														NA					
<b>ACCESSORY ACTIV./FACILITY</b>																			
Live/Work		✓	X	✓	✓	X	✓		✓	✓	X	✓		NA	X	X	X	X	X

\*See Estuary Policy Plan: Policy JL 1.2 for a description of allowable uses.

\*\*The permitted, conditionally permitted, and prohibited activities for the Residential Mixed Use classification are always determined by the underlying zoning designation. The HBX-3 zoning designation has been adopted by the City Council to implement the Residential Mixed Use Estuary Policy Plan classification.

NA = Not Applicable



TABLE 3

GENERAL PLAN LAND USE CLASSIFICATIONS	MAXIMUM INTENSITY ALLOWED				
	Nonresidential	Residential*			
	Maximum Floor Area Ratio	Maximum Density in Principal Units per Gross Acre	Assumed Net- to-Gross Ratio*	Maximum Density in Principal Units per Net Acre	Minimum Square Feet of Site Area per Principal Unit
Hillside Residential**	<u>NA</u>	<u>NA</u> 5	<u>NA</u> 75%	<u>NA</u> 6.67	<u>NA</u> 6,530
Detached Unit Residential**	<u>NA</u>	<u>NA</u> 11	<u>NA</u> 75%	<u>NA</u> 14.67	<u>NA</u> 2,969
Mixed Housing Type Residential**	<u>NA</u>	<u>NA</u> 30**	<u>NA</u> 75%	<u>NA</u> 40.0**	<u>NA</u> 1,089**
Urban Residential**	<u>NA</u>	<u>NA</u> 125	<u>NA</u> 75%	<u>NA</u> 166.67	<u>NA</u> 261
Neighborhood Center Mixed Use**	<u>NA</u> 4.0	<u>NA</u> 125	<u>NA</u> 75%	<u>NA</u> 166.67	<u>NA</u> 261
Community Commercial**	<u>NA</u> 5.0	<u>NA</u> 125	<u>NA</u> 75%	<u>NA</u> 166.67	<u>NA</u> 261
Regional Commercial**	<u>NA</u> 4.0	<u>NA</u> 125	<u>NA</u> 75%	<u>NA</u> 166.67	<u>NA</u> 261
Business Mix**	NA	NA	NA	NA	NA
General Industrial & Transportation**	NA	NA	NA	NA	NA
Institutional**	8.0	125	75%	166.67	261
Central Business District**	NA	NA	NA	NA	NA
Mixed Use Waterfront District	See Table 3A	See Table 3A	See Table 3A	See Table 3A	See Table 3A
Housing & Business Mix***	NA	NA	NA	NA	NA
Resource Conservation**	NA	NA	NA	NA	NA
Urban Park & Open Space**	NA	NA	NA	NA	NA

\* If it appears in any given situation that the net-to-gross ratio is significantly different than given here, an individual calculation should be made for the site in question, following the procedure explained in the Density/Intensity Section (C2) of this report.

\*\* — In the Mixed Housing Type Residential classification, no project can have a higher density than allowed by its current zoning without a major variance or a rezoning. Under no situation can a project exceed the maximum density permitted under the General Plan, even if the density allowed by the current zoning is greater than the General Plan.

\*\*\* The density and nonresidential floor area ratio for each classification except Institutional, the Housing and Business Mix, General Industry & Transportation, Business Mix, and Central Business District classifications are always determined by the underlying zoning designation. Zoning designations have been adopted by the City Council to ~~that~~ implement these other General Plan classifications.

NA = Not Applicable

TABLE 3A: DENSITY/INTENSITY	MAXIMUM INTENSITY ALLOWED				
	Nonresidential	Residential*			
ESTUARY POLICY PLAN LAND USE CLASSIFICATIONS	Maximum Floor Area Ratio	Maximum Density in Principal Units per Gross Acre	Assumed Net-to-Gross Ratio*	Maximum Density in Principal Units per Net Acre	Minimum Square Feet of Site Area per Principal Unit
Light Industrial – 1	2.0	30	75%	40.0	1,089
Off Price Retail – 1	2.0	30	75%	40.0	1,089
Retail, Dining Entertainment (Phase 1)	Avg. 3.5 over area	NA	NA	NA	NA
Retail, Dining, Entertainment (Phase 2)	7.0 per parcel	125	75%	166.67	261
Produce Market	1.0 per parcel	30	75%	40.0	1,089
Waterfront Commercial Recreation – 1	Avg. 3.0 over area	NA	NA	NA	NA
Mixed Use District	5.0 per parcel	125	75%	166.67	261
Waterfront Mixed Use	2.0 per parcel	40	75%	53.33	817
Waterfront Warehouse District	5.0 per parcel	100	75%	133.33	327
Planned Waterfront Development – 1	1.0 per private parcel, Avg. 1.0 on remaining	30 per private, Avg. 30 on other	75%	40.0	1,089
W. Commercial Rec. 2	Avg. 1.0	NA	NA	NA	NA
Light Industrial – 2	2.0 per parcel	30	75%	40.0	1,089
Plan. Water Devel. – 2	2.0 per parcel	40	75%	53.33	817
Resid. Mixed Use –1**	NA	NA	NA	NA	NA
Heavy Industrial – 1	0.75 per parcel	NA	NA	NA	NA
Gen.Commercial – 1	1.0 per parcel	NA	NA	NA	NA
Plan Water District 3	0.5 per parcel	NA	NA	NA	NA
General Commercial –2	1.0 per parcel	NA	NA	NA	NA
Light Industrial – 3	0.5 per parcel	NA	NA	NA	NA

\* If it appears in any given situation that the net-to-gross ratio is significantly different than given here an individual calculation should be made for the site in question, following the procedure explained in the Density/Intensity Section (C2) of this report.

\*\*The density and nonresidential floor area ratio for the Residential Mixed Use classification are always determined by the underlying zoning designation. The HBX-3 zoning designation has been adopted by the City Council to implement the Residential Mixed Use Estuary Policy Plan classification.

NA = Not Applicable

**CHECKLIST 4: IDENTIFYING GENERAL PLAN POLICIES WITH  
SPECIFIC DEVELOPMENT IMPLICATIONS**

*Note: Planning staff should become familiar with all General Plan goals, objectives, and policies. This checklist is intended to assist in quickly locating those with the most specific development implications. (LUT = Land Use and Transportation Element) The full text of the policies is included in the Appendix attached.*

Yes	No	Policy Directory
		Does the project have a transportation or parking component or affect street development? If yes, see Transportation and Transit-Oriented Development Policies: T2.1, T2.2, T3.3, T3.8, T4.7, T4.9, T6.2, and T6.4.
		Is the project in the downtown area? If yes, see LUT- Downtown policies D1.3, D1.4, D1.5, D1.7, D1.9, D1.10, D1.12, D2.1, D3.2, D6.2, D8.1, D8.2, D8.4, D9.1, D10.2, D10.3, D10.6, D11.2, D12.3, D12.4
		Does the project involve a 'regional-type' commercial business? If yes, see LUT-Industry and Commerce and Neighborhood policies I/C3.1, N1.4
		Does the project involve large-scale office or institutional development? If yes, see LUT-Downtown and Neighborhood policies D8.1, N1.9, N2.4
		Does the project involve development of a hotel or motel? If yes, see LUT-Neighborhood policy N1.7
		Does the project include residential development? If yes, see LUT-Neighborhood policies N3.9, N7.1, N7.2, N8.2, and Open Space, Conservation, and Recreation Element policy OS4.2
		Is the project in the hill area? If yes, see LUT-Neighborhood policy N7.3, and Open Space, Conservation, and Recreation Element policy OS1.3
		Does the project include a secondary unit? If yes, see LUT-Neighborhood policies N3.3, N7.2; <u>and</u> interim zoning regulations.
		Does the project involve an existing institution (college, university) or is it located on a golf course, cemetery, or EBMUD watershed? If yes, see Open Space, Conservation, and Recreation Element policies OS3.1, OS3.3, OS3.4
		Could the project affect a street or bicycle facility? If yes, see BMP policies: 1, 2, 2.3, 2.5, 3, 3.1, 4, 4.2, 4.3, 4.4, 5, 5.4, 6, 7, 7.8, 8, 8.1, 8.2, and 10.
		Is The Project in the Waterfront Area? If Yes, see Estuary Plan Policies: JL 1, 1.1, 3, 4, 4.3, 5, 6, 8.2, 12.3, 12.4, 12.5, 15.1, 15.2, OAK 1.2, 2.1, 2.2, 2.4, 3.1, 4.1, 4.2, 4.3, 4.4, 4.5, 6, 8, 9, SAF 1, 2, 2.1, 3, 3.2, 3.3, 4, 4.1, 5, 5.1, 6, 6.1, 7, 7.1, 7.3, 8, 8.2.
		Does the project involve a "Designated Historic Property" (DHP) or "Potential Designated Historic Property" (PDHP)?* If yes, see Historic Preservation Element policies 1.2, 1.3, 2.2, 2.4, 2.6, 3.1, 3.2, 3.3, 3.5, 3.8, 3.9

\* Consult the Oakland Cultural Heritage Survey or Screen 203 ("Update/Query Parcel Historic Data") for this property in the Permit Tracking System (PTS).

**TABLE 5: BEST FIT ZONES FOR THE GENERAL PLAN LAND USE CLASSIFICATIONS**

Table 5 has been deleted because due to updates to the zoning ordinance, only the Institutional General Plan designation requires a "best fit zone." The possible best fit zones for this classification are the S-1 Medical Center and S-2 Civic Center zones.

ZONES THAT CORRESPOND TO GENERAL PLAN LAND USE CLASSIFICATIONS ● = "Best Fit" Zones ○ = Other Possible Zones	Hillside Residential	Detached Unit Residential	Mixed Housing Type Residential	Urban Residential	Neigh.-Center Mixed-Use Community Commercial	Regional Commercial	Business Mix	General Industrial	Institutional	Central Business District	Mix-use Waterf.: See TABLE 5A	Housing/Bus. Mix <sup>2</sup>	Open Space: RCA	Open Space: Other
	OS (RCA) OS (Rsree Cons)							NA	NA		NA			●
OS (*) Open Space (All other)							NA	NA		NA				●
R-10 Estate	●	○	○	○			NA	NA		NA				
R-20 Low Density	●	○	○	○			NA	NA		NA				
R-30 One Family		●	○	○	○		NA	NA		NA				
R-35 Special One Family			●	○	○		NA	NA		NA				
R-36 Small Lot			●	○	○		NA	NA		NA				
R-40 Garden Apartment			●	○	○		NA	NA		NA				
R-50 Medium Density			●	○	○		NA	NA		NA				
R-60 Medium-High density				●	○	○	NA	NA		NA				
R-70 High Density				●	○	○	NA	NA		NA				
R-80 High-Rise Apartment				●	○	○	NA	NA		NA				
R-90 Downtown Apartment							NA	NA		NA				
G-5 Neighborhood			●	○	●		NA	NA		NA				
C-10 Local Retail			●	○	●		NA	NA		NA				
C-20 Shopping Center					○	○	NA	NA		NA				
C-25 Office				●	○	○	NA	NA		NA				
C-27 Village				○	●		NA	NA		NA				
C-28 Commercial Shopping				○	●		NA	NA		NA				
C-30 District Thoroughfare					○		NA	NA		NA				
G-31 Special Retail				○	●		NA	NA		NA				
C-35 District Shopping							NA	NA		NA				
C-36 Boulevard Service					●	●	NA	NA		NA				
C-40 Community Thorough					●	●	NA	NA		NA				
C-45 Community Shopping						●	●	NA	NA	NA				

C-51 Central Business Service									NA	NA		NA				
C-52 Old Oakland									NA	NA		NA				
C-55 Central Core									NA	NA		NA				
C-60 City Service									NA	NA		NA				
M-10 Special Industry									NA	NA		NA				
M-20 Light									NA	NA		NA				
M-30 General									NA	NA		NA				
M-40 Heavy									NA	NA		NA				
S-1 Medical Center								⊖	NA	NA	●	NA				
S-2 Civic Center									NA	NA	●	NA				
S-3 Research center									NA	NA		NA				
S-4 Design Review									NA	NA		NA				
S-13 Mixed Use									NA	NA		NA				
S-15 Transit Oriented Devel.								● ⊖ ⊖	NA	NA		NA				

\*There are no best fit zones for the Housing and Business Mix, Business Mix, and General Industrial & Transportation LUTE classifications. Zoning designations have been adopted by the City Council to implement these General Plan classifications.

NA – Not Applicable

**TABLE 5A: BEST FIT ZONES FOR THE ESTUARY LAND USE CLASSIFICATIONS**

ZONES THAT CORRESPOND TO GENERAL PLAN LAND USE CLASSIFICATIONS ● = "Best Fit" Zones ○ = Other Possible Zones	Light Industrial 1	Off-Price-Retail 1	Retail-Dining/Ent.1	Retail-Dining/Ent.2	Produce-Market	W. Commerce, Rec. 1	Mixed-Use District	W. Mixed-Use District	W. Warehouse District	Planned W. Dev. 1	W. Commerce-Rec. 2	Light-Ind-2	Planned W. Dev. 2	Res/Mixed-Use**	Heavy Industrial	General-Commerce 1	Planned W. District-3	General-Commerce 2	Light-Industrial 3
OS (RCA) OS (Rsree)														ZA					
OS (*) Open Space	○	○	○	○	○	○	○	○	○	○	○	○	○	ZA	○	○	○	○	○
R-10 Estate														ZA					
R-20 Low-Density														NA					
R-30 One-Family														NA					
R-35 Special-One														ZA					
R-36 Small Lot														NA					
R-10 Garden														NA					
R-50 Medium														NA					
R-60 Medium-High														NA					
R-70 High-Density														NA					
R-80 High-Rise														NA					
R-90 Downtown														NA					
C-5 Neighborhood														NA					
C-10 Local Retail														NA					
C-20 Shopping														NA					
C-25 Office														NA					
C-27 Village					●			●	●					NA					
C-28 Commercial		●								●			●	NA					
C-30 District														NA					
C-31 Special Retail		●			●				●					NA					
C-35 District		●				●				○				NA		○			
C-36 Boulevard														NA		○			
C-40 Community		○									●			NA		●		●	
C-15 Community			●	●	○	●	●	●	●	●	●		●	NA		○		○	
C-51 Central														NA					
C-52 Old Oakland														NA					
C-55 Central Core														NA					
C-60 City Service											●			NA			●		●
M-10 Special	●	●			○		●	●	●	●		●	○	NA			●		○
M-20 Light	●	●								●	○	●	○	NA	○		●		●
M-30 General	○											●	●	NA	●		●		●
M-40 Heavy													●	NA	●		○		
S-1 Medical Center														NA					
S-2 Civic Center														NA					
S-3 Research center														NA			●		
S-4 Design-Review			●	●	●	●		●	●	●				NA					
S-13 Mixed Use	●	●			○		●	●	●			●	●	NA					
S-15 Transit-Oriented														NA					

ZONES THAT CORRESPOND TO GENERAL PLAN LAND USE CLASSIFICATIONS ● = "Best Fit" Zones ○ = Other Possible Zones	Jack London District									O-9	San Antonio/Fruitvale								
	Light Industrial 1	Off Price Retail 1	Retail Dining/Ent.1	Retail Dining/Ent.2	Produce Market	W. Commerce. Rec. 1	Mixed Use District	W. Mixed Use District	W. Warehouse District	Planned W. Dev't 1**	W. Commerce. Rec 2	Light Ind. 2	Planned W. Dev't 2	Res/Mixed Use**	Heavy Industrial	General Commerce 1	Planned W. District 3	General Commerce 2	Light Industrial 3
OS (RCA) OS (Rsorce Cons)										NA				NA					
OS (*) Open Space (All other)	○	○	○	○	○	○	○	○	○	NA	○	○	○	NA	○	○	○	○	○
RH-1 through RH-4										NA				NA					
RD-1 through RD-2										NA				NA					
RM-1 through RM-4										NA				NA					
RU-1 through RU5										NA				NA					
R-80 High-Rise Apartment										NA				NA					
CN-1		●	●	●	●			●	●	NA				NA					
CN-2		●	●	●	●			●	●	NA				NA					
CN-3		●	●	●	●			●	●	NA				NA					
CN-4										NA				NA					
CC-1		●	●	●	●	●	●	●	●	NA	●			NA		○			
CC-2		●	●	●	●	●	●	●	●	NA	●			NA		○			
CC-3	●	●			○		●	●	●	NA	○	●		NA	○	○	●	●	●
C-40 Community Thorough		○								NA	●			NA		●		●	
C-45 Community Shopping			●	●	○	●	●	●	●	NA	●			NA		○		●	
CR-1	●	●			○	●	●	●	●	NA	○	●		NA		○		●	●
HBX-1 through HBX3	●	●			●	●	●	●	●	NA	○	●	●	NA	○	○	●		●
CLX-1 and CLX-2	●	●			○	●	●	●	●	NA	○	●	○	NA	○	○	●	●	●
IG										NA			●	NA	●		○		
IO										NA				NA					
M-20 Light	●	●			○	●	●	●	●	NA	○	●	○	NA	○	○	●	●	●
M-30 General	○									NA		●	●	NA	●		●		●
M-40 Heavy										NA			●	NA	●		○		
S-1 Medical Center										NA				NA					
S-2 Civic Center										NA				NA					
S-3 Research Center										NA				NA			●		
S-15 Transit Oriented Devel.										NA				NA					

\*All water's edge properties that have an Open Space Designation. See Estuary Policy Plan Figures II - 3 and II - 4 and policies.

\*\*There are no best fit zones for the Residential Mixed Use Estuary Policy Plan or Planned Waterfront Development 1 classifications. The HBX-3 zoning designation has been adopted by the City Council to implement the Residential Mixed Use Estuary Plan classification. These classifications have been implemented by new zoning designations.

## APPENDIX

### General Plan Policies with Specific Development Implications

This list is not exhaustive, and is not meant to summarize all of the policies in the General Plan Elements. Rather, this list contains policies that highlight clear implications for land use decision-making. Consult the General Plan Elements if necessary.

#### A. LAND USE AND TRANSPORTATION ELEMENT

##### INDUSTRY AND COMMERCE (I/C)

###### **Policy I/C2.2: Reusing Abandoned Buildings**

The reuse of abandoned buildings by non-traditional activities should be encouraged where the uses are consistent with, and will assist in the attainment of, the goals and objectives of the General Plan.

###### **Policy I/C3.1: Locating Commercial Businesses**

Commercial uses, which serve long term retail needs of regional consumers and which primarily offer durable goods, should be located in areas adjacent to the I-880 freeway or at locations visible or amenable to high volumes of vehicular traffic, and accessible by multiple modes of transportation.

###### **Policy I/C3.5 Promoting Culture, Recreation, and Entertainment**

Cultural, recreational, and entertainment uses should be promoted within the downtown, particularly in the vicinity of the Fox and Paramount Theaters, and within the Jack London Square area.

###### **Policy I/C4.1 Protecting Existing Activities**

Existing industrial, residential, and commercial activities and areas which are consistent with long term land use plans for the City should be protected from the intrusion of potentially incompatible land uses.

###### **Policy I/C4.2 Minimizing Nuisances**

The potential for new or existing industrial or commercial uses, including seaport and airport activities, to create nuisance impacts on surrounding residential land uses should be minimized through appropriate siting and efficient implementation and enforcement of environmental and development controls.

##### TRANSPORTATION AND TRANSIT-ORIENTED DEVELOPMENT (T)

###### **Policy T1.5: Locating Truck Services**

Truck services should be concentrated in areas adjacent to freeways and near the seaport and airport, while ensuring the attractiveness of the environment for visitors, local businesses and nearby neighborhoods.

###### **Policy T2.1 Encouraging Transit-Oriented Development**

Transit-oriented development should be encouraged at existing or proposed transit nodes, defined by the convergence of two or more modes of public transit such as BART, bus, shuttle service, light rail or electric trolley, ferry, and inter-city or commuter rail. (See the vision for each of Oakland's BART stations and Eastmont Town Center in the LUT Element).

###### **Policy T2.2 Guiding Transit-Oriented Development**

Transit-oriented developments should be pedestrian oriented, encourage night and day times use, provide the neighborhood with needed goods and services, contain a mix of land uses, and be designed to be compatible with the character of surrounding neighborhoods.

###### **Policy T3.3 Allowing Congestion Downtown**

For intersections within Downtown and for those that provide direct access to downtown locations, the City should accept a lower level of service and a higher level of traffic congestion than is accepted in other parts of Oakland. The



desired pedestrian oriented nature of downtown activity and the positive effect of traffic congestion in promoting the use of transit or other methods of travel should be recognized.

**Policy T3.8 Screening Downtown Parking**

Cars parked in downtown lots should be screened from public view through the use of ground floor storefronts, parks and landscaping, or other pedestrian friendly, safe, and other attractive means.

**Policy T4.1 Incorporating Design Features For Alternative Travel**

The City will require new development, rebuilding, or retrofit to incorporate design features in their projects that encourage the use of alternative modes of transportation such as transit, bicycling, and walking.

**Policy T4.7 Reusing Abandoned Rail Lines**

Where rail lines (including siding and spurs) are to be abandoned, first consideration should be given to acquiring the line for transportation and recreational uses, such as bikeways, footpaths, or public transit.

**Policy T4.9 "Gateway" Public Access Area**

The City, in concert with the East Bay Regional Park District, Port of Oakland, Oakland Base Reuse Authority, and the Bay Conservation and Development Commission, should support development of a "gateway" public park area at the terminus of the San Francisco/Oakland Bay Bridge east span that is reachable by auto, bicycle, or walking. (See also OSCAR).

**Policy T6.2 Improving Streetscapes**

The City should make major efforts to improve the visual quality of streetscapes. Design of the streetscape, particularly in neighborhoods and commercial centers, should be pedestrian oriented, include lighting, directional signs, trees, benches, and other support facilities.

**Policy T6.4 Rebuilding Freeways**

In the event of a major disaster, necessitating reconstruction of the I-880 freeway, the freeway should be rebuilt below ground in the downtown/Jack London square area.

**DOWNTOWN (D)**

**Policy D1.3: Planning for Chinatown**

The unique character of Chinatown, as a walkable center for Asian-American culture, a regional destination point, and a district with a mixed housing type residential component, should be supported and encouraged.

**Policy D1.4: Planning for Old Oakland**

Old Oakland should be respected and promoted as a significant historic resource and character-defining element, with Washington Street as its core. Residential development in Old Oakland should be of mixed housing type, with ground floor retail where feasible.

**Policy D1.5: Planning for the Gateway District**

New development and rehabilitation in the Gateway district should contribute to greater neighborhood cohesion and identity, emphasizing mixed housing type and urban density residential development.

**Policy D1.7: Planning for the Gold Coast**

The Gold Coast should be recognized and conserved as an established neighborhood providing urban density housing in a unique urban setting.

**Policy D1.9: Planning for the Channel Park Residential Area.**

The area between the Channel Park Arts, Educational, and Cultural Center and the waterfront should be developed as a walkable urban residential district, incorporating commercial development and open space as appropriate to take advantage of the cultural and recreational amenities provided by the center and the channel to the estuary, and easy transportation by BART.

**Policy D1.10: Planning for the Jack London District.**

Pedestrian-oriented entertainment, live-work enterprise, moderate-scale retail outlets, and office should be encouraged in the Jack London Waterfront area.

**Policy DL12 Planning for the Produce Market Area (see Estuary Plan Policy JL-4)**

The Produce Market should be recognized as California's last example of an early twentieth century produce market. Should the wholesale distribution of produce be relocated to another site, the character and vitality of this unique district should be encouraged in its reuse if economically viable.

**Policy D2.1 Enhancing the Downtown**

Downtown development should be visually interesting, harmonize with its surroundings, respect and enhance important views in and out of the downtown, respect the character, history, and pedestrian orientation of the downtown, and contribute to an overall attractive skyline.

**Policy D3.2 Incorporating Parking Facilities**

New parking facilities for cars and bicycles should be incorporated into the design of any project in a manner that encourages and promotes safe pedestrian activity.

**Policy D6.2 Reusing Vacant or Underutilized Buildings**

Existing vacant or underutilized buildings should be reused. Repair and rehabilitation, particularly of historic or architecturally significant structures should be strongly encouraged. However, where reuse is not economically feasible, demolition and other measures should be considered. (Landmark and Preservation District properties must follow Policy 2.4 of the Historic Preservation Element).

**Policy D8.1: Locating Office Development**

New large-scale office development should primarily be located along the Broadway corridor south of Grand Avenue, with concentrations at the 12<sup>th</sup> Street and 19<sup>th</sup> Street BART stations. The height of office development should respect the Lake Merritt edge. Small-scale offices should be allowed throughout the downtown, including in the downtown neighborhoods, when compatible with the character of surrounding development.

**Policy D8.2: Respecting Public Parks**

Future office development on Harrison Street opposite Lakeside Park and Snow Park should provide ground level, landscaped, open space to soften the edge between Public Park land and the office core. This space should be clearly accessible to office workers and the public.

**Policy D8.4: Developing the Broadway Spine**

The Broadway spine, particularly near the 12<sup>th</sup> Street/City Center BART station, should be the primary location of new public office development.

**Policy D9.1: Concentrating Commercial Development**

Concentrate region-serving or "destination" commercial development in the corridor around Broadway between 12<sup>th</sup> and 21<sup>st</sup> Streets, in Chinatown, and in the Jack London District. Ground floor locations for commercial uses that encourage a pedestrian-friendly environment should be encouraged throughout the downtown.

**Policy D10.2: Locating Housing**

Housing in the downtown should be encouraged in identifiable districts, within walking distance of the 19<sup>th</sup> Street, 12<sup>th</sup> Street/City Center, and Lake Merritt BART stations to encourage transit use, and in other locations where compatible with surrounding uses.

**Policy D10.3: Framework for Housing Densities.**

Downtown residential areas should generally be within the Urban Density Residential and Central Business District density range, where not otherwise specified. The height and bulk should reflect existing and desired district character, the overall city skyline, and the existence of historic structures or areas.

**Policy D10.6 Creating Infill Housing**

Infill housing that respects surrounding development and the streetscape should be encouraged in the downtown to create or strengthen distinct districts.

**Policy D11.2: Locating Mixed-Use Development**

Mixed-use development should be allowed in commercial areas, where the residential component is compatible with the desired commercial function of the area.

**Policy D12.3: Locating Entertainment Activities**

Large-scale entertainment uses should be encouraged to concentrate in the Jack London Waterfront and within the Broadway corridor area. However, existing large-scale facilities in the Downtown should be utilized to the fullest extent possible.

**Policy D12.4: Locating Smaller Scale Entertainment Activities**

Small-scale entertainment uses, such as small clubs, should be allowed to locate in the Jack London Waterfront area and to be dispersed throughout downtown districts, provided the City works with area residents and businesses to manage the impacts of such uses.

**NEIGHBORHOODS (N)**

**Policy N1.4: Locating Large Scale Commercial Activities.**

Commercial uses, which serve long term retail needs of regional consumers and which primarily offer high volume goods, should be located in areas visible or amenable to high volumes of traffic. Traffic generated by large-scale commercial developments should be directed to arterial streets and freeways and not adversely affect nearby residential streets.

**Policy N1.7: Locating Hotels and Motels.**

Hotels and motels should be encouraged to locate downtown, along the waterfront, near the airport, or along the I-880 corridor. No new hotels or motels should be located elsewhere in the city, however, the development of "bed-and-breakfast" type lodgings should be allowed in the neighborhoods, provided that the use and activities of the establishment do not adversely impact nearby areas, and parking areas are screened.

**Policy N1.8: Making Compatible Development.**

The height and bulk of commercial development in the "Neighborhood Mixed Use Center" and "Community Commercial" areas should be compatible with that which is allowed for residential development.

**Policy N1.9: Locating Major Office Development**

While office development should be allowed in commercial areas in the neighborhoods, the City should encourage major office development to locate in the downtown.

**Policy N2.4: Locating Services along Major Streets**

New large-scale community, government, and institutional uses should be located outside of areas that are predominantly residential. Preferably, they should be located along major thoroughfares with easy access to freeways and public transit or in the Downtown.

**Policy N3.3: Facilitating Development of Second Units (see also N7.1 and N7.2)**

One accessory housing unit (also known as second or secondary unit) per property should be permitted outright in all residential zones, provided it meets the setback requirements for the primary structure, is clearly secondary to the primary structure, is compatible with other structures on the site and in the vicinity, and the property owner lives on-site. The permitting procedures and performance criteria applied to these units should facilitate construction of units, and not be prohibitive in their requirements. Accessory units should be allowed when a new primary residence is being constructed or may be added to properties with an existing residence.

**Policy N3.9: Orienting Residential Development.**

Residential developments should be encouraged to face the street, and orient their units to desirable sunlight and views, while avoiding unreasonably blocking sunlight and views for neighboring buildings, respecting the privacy needs of residents of the development and surrounding properties, providing for sufficient conveniently located on-site open space, and avoiding undue noise exposure.

**Policy N7.1: Ensuring Compatible Development**

New residential development in Detached Unit and Mixed Housing Type areas should be compatible with the density, scale, design, and existing or desired character of surrounding development.

**Policy N7.2: Defining Compatibility**

Infrastructure availability, environmental constraints and natural features, emergency response and evacuation times, street width and function, prevailing lot size, predominant development type and height, scenic values, distance to public transit, and desired neighborhood character are among the factors that could be taken into account when developing and mapping zoning designations or determining "compatibility". These factors should be balanced with the citywide need for additional housing.

**Policy N7.3: Hill Area Subdivision**

At least 8,000 square feet of lot area per dwelling unit should be required when land in the hill area is subdivided. Lots smaller than 8,000 square feet may be created only when this ratio is maintained for the parcel being divided.

**Policy N8.2: Making Compatible Interfaces Between Densities**

The height of development in Urban Residential and other higher density residential areas should step down as it nears lower density residential areas to minimize conflicts at the interface between the different types of development.

**B. BICYCLE MASTER PLAN (BMP)**

**BMP Policy 1: Create, enhance and maintain the recommended bikeway network.**

▪ **Action 1.12: Diagonal Parking**

Discourage the installation of diagonal or 90-degree parking on streets included in the recommended bikeway network. Replace existing diagonal or 90-degree parking on streets included in the recommended bikeway network with parallel parking or off-street parking where feasible.

**BMP Policy 2: Establish design and maintenance standards for all streets that recognize the needs of bicyclists.**

▪ **Action 2.3: Public Utilities**

When locating or relocating public utilities, design the placement of boxes, hydrants, curbs, poles and other objects so that they do not interfere with bicycle travel.

▪ **Action 2.5: Automobile Parking**

Whenever new on-street automobile parking spaces are created, especially the conversion of parallel parking to diagonal parking, the potential detrimental effects on cyclists should be considered.

**BMP Policy 3: Make efforts to obtain, redevelop, or encourage private redevelopment of unused railroad, utility, and other right-of-ways as linked, multi-use Class I bicycle paths or trails.**

**BMP Policy 4: Include provisions for safe and direct bicycle access to special development areas and key corridors.**

▪ **Action 4.2: Broadway Corridor**

Designate Broadway from Caldecott Field to Jack London Square as a transit/bicycle corridor promenade. Incorporate bicycle facilities in any development or redevelopment projects with ¼ mile of Broadway whenever feasible.

**BMP Policy 5: Promote secure and conveniently located bicycle parking at destinations throughout Oakland.**

**BMP Policy 6: Support improved bicycle access to public transportation.**

**BMP Policy 8: Insure that the needs of bicyclists are considered in the design of new development and redevelopment projects.**

▪ **Action 8.2: Drive-up windows**

Drive-up windows, drive-in services and take-out services, excluding car washes, should provide full access to bicyclists.

**BMP Policy 10:** Prior to the implementation of bikeway projects, affected residents, merchants and property owners shall be notified in writing of the potential impacts.

## **C. ESTUARY POLICY PLAN ELEMENT**

Note: The Open Space designation applies to the shoreline of every waterfront property.

### **JACK LONDON DISTRICT (JL)**

**Retail, Dining, and Entertainment District Policy JL-1:** Reinforce retail, dining, and entertainment uses along the waterfront, and extend these uses along Broadway to create a regional entertainment destination.

**Retail, Dining, and Entertainment District Policy JL-1.1:** Expand commercial uses along the entire five-block frontage of lower Broadway.

**Retail, Dining, and Entertainment District Policy JL-1.2:** Intensify Phase I of Jack London Square.

Comment: Several more focused development directives are found with this policy. The following bullet point illustrates one particular directive regarding food carts and kiosks. Existing Zoning Regulations define this type of service as "fast food", for purposes of Zoning administration.

- Additional kiosks and retail extensions in the plaza adjacent to the existing Barnes and Noble bookstore. The kiosks, food carts, etc., should help to intensify activity on a daily basis, and provide patrons with high quality food service and an attractive environment for outdoor eating, with views to the water.

**Off Price Retail District Policy JL-3:** Encourage the expansion of off-price retail establishments west of Broadway.

**Produce District Policy JL- 4:** Preserve the historic character of the Produce District, and encourage activities that create a viable urban mixed-use district.

**Produce District Policy JL-4.3** Encourage the location of a farmers market along Franklin Street.

**Mixed Use District Policy JL-5:** Encourage the development of a mix of uses including housing within a context of commercial, and light industrial/manufacturing uses, and ancillary parking generally outside the existing boundaries of the historic district (API) and east to the Lake Merritt channel.

**Waterfront Warehouse District Policy JL-6:** Encourage the preservation and adaptive reuse of existing buildings and new infill development to provide joint living and working quarters, residential, light industrial, wholesale, office, and compatible uses that preserve and respect the District's unique character.

**Shoreline Access and Public Spaces Policy JL-8.2:** Create new open spaces that expand the opportunities to view, appreciate, and enjoy the water's edge.

**Regional Circulation, Local Street Improvements, and Parking Policy JL-12.3:** Reinforce a food and market orientation on Franklin Street.

**Regional Circulation, Local Street Improvements, and Parking Policy JL-12.4:** Develop significant pedestrian improvements along Webster Street that create a strong link to the waterfront.

**Regional Circulation, Local Street Improvements, and Parking Policy JL-12.5:** 2nd and 3rd Streets: Reinforce Second Street and Third Street as an east-west connector for pedestrian, vehicular and bicycle movement.

**Regional Circulation, Local Street Improvements, and Parking Policy Policy JL-15.1:** Provide Class II bike lanes on Second Street and portions of Third Street near Mandela Parkway.

**Regional Circulation, Local Street Improvements, and Parking Policy Bicycle Circulation Policy JL-15.2:** Establish bike lanes on Washington Street.

**OAK TO NINTH AVENUE OISTRICT (OAK)**

**Shoreline Access and Public Spaces Policy OAK-1.2:** Provide for continuous pedestrian and bicycle movement along the water's edge.

**Shoreline Access and Public Spaces Policy OAK-2.1:** Expand Estuary Park. Encourage Aquatic Sports within the mouth of Lake Merritt Channel.

**Shoreline Access and Public Spaces Policy OAK-2.2:** Create a major new park on the east side of the mouth of the Lake Merritt Channel, at the Estuary.

**Shoreline Access and Public Spaces Policy OAK-2.4:** Establish a large park in the existing area of the Ninth Avenue Terminal. Establish a location for large civic events and cultural activities. A new park of significant size should be created in the area.

**Shoreline Access and Public Spaces Policy OAK-3.1:** Create a system of public open spaces that flanks both sides of Lake Merritt Channel.

**Land Use Policy OAK-4.1:** Preserve and expand the existing Fifth Avenue Point community as a neighborhood of artists and artisan studios, small businesses, and water-dependent activities.

**Land Use Policy OAK-4.2:** Promote the development of educational and cultural interpretive facilities (Oak to 9<sup>th</sup>).

**Land Use Policy OAK-4.3:** Facilitate the relocation of break-bulk cargo operations from the Ninth Avenue Terminal.

**Land Use Policy OAK-4.4:** Promote development of commercial-recreational uses in the vicinity of the Crescent Park and Clinton Basin.

**Land Use Policy OAK-4.5:** North of the Embarcadero, encourage a mixed-use district while maintaining viable industrial uses.

**Regional Circulation and Local Street Improvements Policy OAK-6:** Explore the future potential for a major new BART Station and major parking facility on BART property at Fifth Avenue and East 8<sup>th</sup> Street.

**Regional Circulation and Local Street Improvements Policy OAK-8:** Enhance Fifth Avenue as the principal pedestrian and vehicular linkage to the public open space surrounding the mouth of the Lake Merritt Channel.

**Regional Circulation and Local Street Improvements Policy OAK-9:** Improve the Embarcadero east of Oak Street as a multi-modal landscaped parkway with bicycle, pedestrian and vehicular facilities.

**SAN ANTONIO/FRUITVALE DISTRICT (SAF)**

**Embarcadero Cove Policy SAF-1:** Encourage the development of water-oriented commercial uses within Embarcadero Cove.

**Brooklyn Basin Policy SAF-2:** Maintain the industrial character and role of Brooklyn Basin as a place for food processing and manufacturing, and retain light industrial uses.

**Brooklyn Basin Policy SAF-2.1:** Encourage development of compatible office, support commercial and institutional uses.

**Con-Agra Policy SAF-3:** Encourage heavy industry in the vicinity of the Con-Agra plant to continue, while providing for the transition to a mix of new uses.

**Con-Agra Policy SAF-3.2:** Redevelop the area with a mixture of waterfront-oriented residential and/or commercial activities, which are compatible with the scale and character of surrounding areas.

**Con-Agra Policy SAF-3.3:** Provide for strong links to surrounding areas and orient new development to the water.

**Kennedy Tract Policy SAF-4:** Encourage the preservation and expansion of the affordable residential neighborhood in the Kennedy Tract.

**Kennedy Tract Policy SAF-4.1:** Provide for a mixture of compatible uses with emphasis on a variety of affordable housing types, while maintaining the area's character of small-scale buildings.

**Owens-Brockway Policy SAF-5:** Retain the existing industrial use of the Owens-Brockway site.

**Owens-Brockway Policy SAF-5.1:** Improve the compatibility between industrial and residential uses, and enhance the relationship of the plant with the waterfront.

**42<sup>nd</sup> and High Street Policy SAF-6:** Encourage the reuse of existing warehouse properties south of Alameda Avenue and west of High Street for high-quality retail uses that complement adjacent commercial uses.

**42<sup>nd</sup> and High Street Policy SAF-6.1:** Provide for new commercial activities adjacent to the 42<sup>nd</sup> Street interchange.

**East of High Street Policy SAF-7:** East of High Street, maintain existing viable industrial and service-oriented uses, and encourage the intensification of underutilized and vacant properties.

**East of High Street Policy SAF-7.1** South of Tidewater Avenue, provide for continued industrial use, but also encourage new research and development and light industrial activities which are compatible with the adjacent EMBUD Oakport Facility and EBRPD's Martin Luther King Jr. Regional Shoreline Park.

**East of High Street Policy SAF-7.3:** At the 66<sup>th</sup> Avenue interchanges, encourage development of commercial uses that can benefit from proximity to freeway interchanges and serve both regional and local markets.

**Shoreline Access and Public Space Policy SAF-8:** Develop a continuously accessible shoreline, extending from Ninth Avenue to Damon Slough.

**Shoreline Access and Public Space Policy SAF-8.2:** Develop a major new public park at Union Point.

## **D. OSCAR ELEMENT**

Note: The Open Space designation applies to the shoreline of every waterfront property.

### **Policy OS1.3: Relate New Development to Slope**

Limit intensive urban development to areas where the predominant slope is less than 15 percent. Design development on slopes between 15 and 30 percent to minimize alteration of natural landforms. Strongly discourage development on slopes greater than 30 percent. To the extent permitted by law, when land is subdivided into two or more lots, retain areas with slopes over 30 percent as private, public, or common open space.

### **Policy OS3.1: University, College, and Institutional Open Space**

Retain open space at Oakland's universities, colleges, and other institutions where such open space provides recreational, aesthetic, conservation, or historic benefits. Where such spaces are publicly owned, as at the community colleges, support the permanent retention of athletic fields and other recreational areas as open space. Such areas should not be converted to development unless they are replaced in kind with comparable areas or facilities in the immediate vicinity.

**Policy OS3.3: Golf Course and Cemetery Open Space**  
Retain golf courses and cemeteries as open space areas.

**Policy OS3.4: East Bay Municipal Utility District Open Space**  
Retain EBMUD watershed land and reservoirs as open space and promote their joint use for recreation.

**Policy OS4.2: Protection of Residential Yards**  
Recognize the value of residential yards as a component of the City's open space system and discourage excessive coverage of such areas by buildings or impervious surfaces.

## **E. HISTORIC PRESERVATION ELEMENT**

**Policy 1.2: Potential Designated Historic Properties**  
The City considers any property receiving an existing or contingency rating from the Reconnaissance or Intensive Surveys of "A" (highest importance), "B" (major importance), or "C" (secondary importance) and all properties determined by the Surveys to contribute or potentially contribute to an Area of Primary or Secondary Importance to warrant consideration for possible preservation. Unless already designated as Landmarks, Preservation Districts, or Heritage properties pursuant to Policy 1.3, such properties will be called "Potential Designated Historic Properties."

**Policy 1.3: Designated Historic Properties**  
The City will designate significant older properties which definitively warrant preservation as Landmarks, Preservation Districts or Heritage Properties. The designations will be based on a combination of Historical and Architectural Inventory Ratings, National Register of Historical Places criteria, and special criteria for Landmarks and Preservation District eligibility. Landmarks, properties, which contribute or potentially contribute to Preservation Districts, and Heritage Properties, will be called "Designated Historic Properties".

**Policy 2.2: Landmark and Preservation District Eligibility Criteria**  
Landmarks and Preservation Districts will be classified according to importance, with three classes of Landmarks and two classes of Preservation Districts. Properties eligible for each of these classifications will be as follows: (*see Historic Preservation Element Pg. 4-3*)

**Policy 2.4: Landmark and Preservation District Regulations**

- (a) Demolitions and removals involving Landmarks or Preservation Districts will generally not be permitted or be subject to postponement unless certain findings are made. Demolition or removal of more important Landmarks and of most Preservation District properties will normally not be permitted without the required findings, while demolition or removal of less important Landmarks will be subject only to postponement.
- (b) Alterations or New Construction involving Landmarks or Preservation Districts will normally be approved if they are found to meet the Secretary of the Interior's Standards for the Treatment of Historic Properties or if certain other findings are made.
- (c) Findings for approval of demolitions, removals, alterations or New Construction involving Landmarks or Preservation Districts will seek to balance preservation of these properties with other concerns.
- (d) Specific regulatory provisions are set forth in the tables entitled "Demolition and Removal Regulations for Landmarks and Preservation Districts" and "Alteration and New Construction Regulations for Landmarks and Preservation Districts".

(*See Historic Preservation Element Table 4-1, page 4-10 and Table 4-2, page 4-12*)

**Policy 2.6: Preservation Incentives**  
Landmarks and all property contributing or potentially contributing to a Preservation District will be eligible for the following preservation incentives: (iv) Broader range of permitted or conditionally permitted uses;  
(*See Historic Preservation Element Action 2.6.5, page 4-27*)



**Policy 3.1: Avoid or Minimize Adverse Historic Preservation Impacts Related To Discretionary City Actions.**  
The City will make all reasonable efforts to avoid or minimize adverse effects on the Character-Detining Elements of existing or Potential Designated Historic Properties which could result from private or public projects requiring discretionary City actions.

**Policy 3.2: Historic Preservation and City-Owned Properties**

To the extent consistent with other Oakland General Plan objectives, the City will ensure that all City-owned or controlled properties warranting preservation will, in fact, be preserved. All City-owned or controlled properties which may be eligible for Landmark or Heritage Property designation or as contributors or potential contributors to a Preservation District will be considered for such designation.

**Policy 3.3: Designated Historic Property Status For Certain City-Assisted Properties.**

To the extent consistent with other General Plan Goals, Policies and Objectives, as a condition for providing financial assistance to projects involving existing or Potential Designated Historic Properties, the City will require that complete application be made for such properties to receive the highest local designation for which they are eligible prior to issuance of a building permit for the project or transfer of title (for City-owned or controlled properties), whichever comes first. However, Landmark or Preservation District applications will not be required for projects which are small-scale or do not change exterior appearance.

**Policy 3.5: Historic Preservation and Discretionary Permit Approvals.**

For additions or alteration to Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or (2) the proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

For any project involving complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; or (2) the public benefits of the proposed project outweigh the benefit of retaining the original structure; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

**Policy 3.8: Definition Of "Local Register Of Historical Resources" And Historic Preservation "Significant Effects" For Environmental Review Purposes.**

For purposes of environmental review under the California Environmental Quality Act, the following properties will constitute the City of Oakland's Local Register of Historical Resources (Any property listed on the California Register of Historical Resources or officially determined to be eligible for listing on the California Register of Historical Resources is also considered a "Historical Resource" pursuant to Section 21084.1 of the California Environmental Quality Act):

- 1) All Designated Historic Properties, and
- 2) Those Potential Designated Historic Properties that have an existing rating of "A" or "B" or are located within an Area of Primary Importance.

Until complete implementation of Action 2.1.2 (Re-designation), the Local Register of Historical Resources will also include the following designated properties: Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties.

Complete demolition of a Historical Resource will normally be considered a significant effect that cannot be mitigated to a level less than significant and will, in most cases, require preparation of an Environmental Impact Report.

A proposed addition or alteration to a Historical Resource that has the potential to disqualify a property from Landmark or Preservation District eligibility or may have substantial adverse effects on the property's Character-Detining Elements will normally, unless adequately mitigated, be considered to have a significant effect.

**Policy 3.9: Consistency of Zoning with Existing or Eligible Preservation Districts**

- (a) Unless necessary to achieve some other Oakland General Plan goal or policy which is of greater significance, the base zone of existing or eligible Preservation Districts shall not encourage demolition or removal of a district's contributing or potentially contributing properties nor encourage new construction that is incompatible with these properties.
- (b) The City will always consider including a historic preservation component in area wide or specific plans. As part of any amendment to the Zoning Regulations, the impact on historic properties will be evaluated.